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STATUTES OF THE PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

FIFTY-THIRD YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE

FOURTH SESSION OF THE SIXTH LEGISLATURE OF ONTARIO.

BEGUN AND HOLDEN AT TORONTO, ON THE TWENTY-EIGHTH DAY OF JANUARY, IN THE YEAR
OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND NINETY.

1890



13618

HIS HONOUR
SIR ALEXANDER CAMPBELL, K.C.M.G.,
LIEUTENANT-GOVERNOR.

TORONTO:
PRINTED BY LUD. K. CAMERON,
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1890.



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53 VICTORIA.

CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety, and for other purposes therein mentioned.

[Assented to 7th April, 1890.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour, the Honourable Sir Alexander Campbell, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and ninety; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three millions six hundred and twenty-five thousand five hundred and ninety-three dollars and seven cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and ninety as set forth in schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance

Preamble
\$3,625,593.07
granted out of
the Consoli-
dated Revenue
Fund for cer-
tain purposes.

Maintenance and salaries of the officers of the Government and Civil Service for the month of January, one thousand eight hundred and ninety-one, as set forth in schedule B to this Act.

Accounts to be laid before the Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and ninety, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure to be accounted for to Her Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and ninety, and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto.

Government House	\$ 1,950 00	
Lieutenant-Governor's Office	3,980 00	
Executive Council and Attorney-General's Office	18,418 66	
Education Department	18,850 00	
Crown Lands Department.....	50,483 30	
Department of Public Works	20,300 00	
Inspection of Public Institutions	10,550 00	
Treasury Department	20,525 00	
Department of Agriculture	24,675 00	
Secretary and Registrar's Department.....	27,610 00	
Department of Immigration	1,600 00	
Provincial Board of Health	7,050 00	
Miscellaneous	12,200 00	
		\$218,191 96

LEGISLATION.

To defray expenses of Legislation.....	\$121,400 00
	ADMINISTRATION

ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature	\$59,283 00	
Surrogate Judges and Local Masters.....	24,473 37	
Miscellaneous Criminal and Civil Justice	309,460 00	
		<hr/> \$393,216 37

EDUCATION.

To defray expenses of:—

Public and Separate Schools.....	\$241,413 81	
Schools in New and Poor Townships..	35,000 00	
Model Schools	9,300 00	
Teachers' Institutes.....	2,300 00	
High Schools and Collegiate Institutes.....	100,000 00	
Training Institutes.....	2,500 00	
Inspection of Normal, High, Model, Public and Separate Schools.....	52,200 00	
Departmental Examinations	12,400 00	
Normal and Model Schools, Toronto.....	22,310 00	
Normal School, Ottawa.....	20,940 00	
Museum and Library.....	5,260 00	
School of Practical Science.....	9,574 00	
Mechanics' Institutes, Art Schools, Literary and Scientific	43,200 00	
Miscellaneous	2,500 00	
Superannuated Teachers.....	59,800 00	
		<hr/> \$618,697 81

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—

Asylum for the Insane, Toronto.....	\$101,353 00	
Mimico Branch.....	24,482 00	
Asylum for the Insane, London	134,452 00	
Asylum for the Insane, Kingston.....	90,693 00	
Asylum for the Insane, Hamilton.....	131,297 00	
Asylum for the Insane, Orillia	47,657 00	
Central Prison, Toronto	121,395 00	
Provincial Reformatory, Penetanguishene.....	41,850 00	
Institution for the Deaf and Dumb, Belleville..	42,427 16	
Institution for the Blind, Brantford.....	35,901 00	
Mercer Reformatory for Females	31,676 00	
		<hr/> \$803,183 16

IMMIGRATION.

To defray expenses of a grant in aid of Immigration.....	5,800 00
--	----------

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture.....	131,578 00
--	------------

HOSPITALS

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities.....	\$126,978 81
--	--------------

MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

Government House.....	\$ 8,057 12
Parliament Buildings:—	
Main Buildings	10,445 82
West Wing	3,345 80
East Wing	4,595 80
Education Department (Normal School Building)	9,300 79
Rented premises, Simcoe Street	2,700 00
Rented premises, Wellington Street.....	1,550 00
Miscellaneous	3,094 00
Normal School, Ottawa	3,350 00
School of Practical Science	1,200 00
Agricultural College.....	6,150 00
Agricultural Hall	650 00
Osgoode Hall	8,997 40

63,436 73

PUBLIC BUILDINGS.

Asylum for the Insane, Toronto	\$ 7,510 00
Mimico Cottages	193,404 00
Asylum for the Insane, London	33,472 83
Asylum for the Insane, Hamilton.....	27,267 53
Asylum for the Insane, Kingston	7,873 33
do Regiopolis Branch.....	200 00
Asylum for Idiots, Orillia.....	142,317 73
Reformatory, Penetanguishene.....	8,050 00
Reformatory for Females, Toronto	3,465 00
Central Prison, Toronto.....	11,200 00
Deaf and Dumb Institute, Belleville.....	8,730 00
Blind Institute, Brantford.....	7,509 50
Agricultural College, Guelph	5,950 00
Normal School and Education Depart't, Toronto	7,500 00
Normal School, Ottawa.....	6,000 00
School of Practical Science, Toronto	63,200 00
Osgoode Hall, Toronto	4,000 00
Government House, Toronto.....	3,000 00
District of Algoma.....	6,600 00
Thunder Bay District	1,800 00
Rainy River District.....	1,000 00
Muskoka District	3,000 00
Parry Sound District.....	3,200 00
Nipissing District	1,000 00
Haliburton District.....	100 00
Miscellaneous	500 00

\$557,849 92

PUBLIC

PUBLIC WORKS.

To defray expenses of Public Works \$51,300 00

COLONIZATION ROADS.

To defray expenses of Construction and Repairs 130,150 00

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands 122,150 00

REFUNDS.

Education	\$2,000 00	
Crown Lands.....	18,500 00	
Municipalities Fund.....	1,764 07	
Land Improvement Fund.....	2,984 97	
Miscellaneous	600 00	
	<hr/>	25,849 04

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure 125,831 27

UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses..... 50,000 00

Total estimates for expenditure of 1890\$3,545,593 07

SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-one, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1891.....	\$ 80,000 00
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Total.....	<hr/>	\$3,625,593 07
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CHAPTER 2.

An Act relating to Manhood Suffrage Voters.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

52 V., c. 5, s. 1
sub-s. 2
amended.

1. In order to remove doubts, section 1 of the Act passed in the 52nd year of Her Majesty's reign, chaptered 5 and intituled *An Act respecting Oaths under The Manhood Suffrage Act* is amended by adding after sub-section 2 of said section 1 the words following :

"Voters List"
meaning of.

The expression "voters' list" in this sub-section shall mean the proper list of voters to be used at an election to the Legislative Assembly within the meaning of section 71 and the next succeeding six sections of *The Ontario Election Act* ; and any person whose name is entered and contained in such voter's list shall not be debarred from voting at any such election because there is not entered after or opposite his name in the proper column of the voter's list either the letters "M.F." or any other letters, description, matter, or particular required, or directed to be entered after or opposite his name in any such column either by *The Manhood Suffrage Act*, *The Ontario Election Act*, or any other Act whatsoever.

51 V., c. 4,
s. 3 amended.

2. Section 3 of *The Manhood Suffrage Act* is hereby amended by inserting after the words "fixed as aforesaid" in the eighteenth line of said section the words "for beginning "to make said roll or for making such complaint, as the case "may be."

CHAPTER 3.

An Act to amend the Election Act as to Secrecy of Voting.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Notices as to
secrecy to be
sent to return-
ing officers be-
fore elections.

1.—(1) Previously to any general or other election of members of the Legislative Assembly, the clerk of the Crown in Chancery shall procure to be printed in conspicuous characters a notice as to secrecy, according to form A in the schedule to this Act, and shall transmit

transmit by post to the returning officer of every electoral division in which there is to be a contest, such number of copies as he may deem sufficient to supply every deputy returning officer with ten copies, one copy of which the deputy returning officer shall placard conspicuously outside the polling place, and one copy conspicuously within the polling place, and he shall see that they remain so placarded from the opening until the close of the poll.

(2) The said notice may be either separate from or added to the notice for the guidance of voters in voting, being form 13 in the schedule to *The Ontario Election Act*.

2.—(1) The clerk of the Crown in Chancery shall also procure to be printed forms of the oaths of secrecy to be taken by returning officers, deputy-returning officers, clerks and agents, sufficient in his judgment to supply the number required in any and every electoral division in which there is to be a contest, and shall send to the returning officer, with the printed notices mentioned in the preceding section, such number of copies of the said forms of oaths, as may be needed. The returning officer will deliver to the deputy-returning officers as many of these forms as may be needed at their polling places respectively.

Forms of oaths of secrecy to be sent to returning officers.

(2) In case the forms of the oath or a sufficient number of them are not received by the returning officer or deputy returning officer, the non-receipt thereof shall not dispense with the making of the oaths; and the same may be written or printed otherwise.

Non-receipt of forms not to dispense with oaths.

3. The oath of secrecy to be taken by every returning officer and every other officer, and every clerk and agent authorized to attend at a polling place, or at the counting of the votes, before entering on his duties shall be to the effect set forth in the form B in the schedule to this Act, in lieu of the statutory declaration in form No. 31, in schedule A to *The Ontario Election Act*.

Form of oath before commencing duties.

4. The examination of the ballot papers by the deputy returning officer after the close of the polling to ascertain if the ballot papers are the ballot papers which he had supplied shall be made and completed before opening any of the ballot papers, and for the purpose of so ascertaining he shall, after opening the ballot box as mentioned in the 106th section of the said *Election Act*, proceed first to count the whole number of ballot papers in the box without opening any of them, and if the number corresponds with, or does not exceed, the number of persons who voted, no further examination to ascertain as aforesaid shall be made. If the number of ballot papers in the box exceeds the number of persons who voted he shall, without opening the ballot papers, examine the backs thereof so far as may be necessary to see his name or initials, and shall

Deputy returning officer not to open ballots while counting or examining numbers.

shall reject any papers not having thereon his name or initials. After such examination is completed to the extent necessary he shall proceed to examine the ballot papers, (or the ballot papers not rejected, as the case may be) in order to count up the votes given for each candidate, as provided for in the said section, keeping the ballot papers with their printed faces upwards, and taking all precautions not to see or to permit any person to see the number printed on the back of any paper.

Form of oath to be taken after close of poll.

5. The oaths to be made by the deputy returning officer and poll clerk respectively after the closing of the poll shall be according to the forms C and D in the schedule hereto, which forms are hereby substituted for the forms numbered 29 and 30 in the schedule to *The Ontario Election Act*.

Oaths to be placed in packet with commissions of officers.

6. After the completing of the counting of the votes by the deputy returning officer, the several oaths to be made by him and the poll clerk shall be put up in the packet with the commissions as provided in section 110 (i) of the said *Election Act*.

Oath of person delivering packets.

7. In case the deputy returning officer, owing to illness or other cause, is unable to deliver the packets personally to the returning officer, the person chosen by him to deliver the same shall after having delivered the same accordingly make oath to the effect of form E.

Oath of returning officer after transmitting return.

8. An oath to the effect set forth in form F in the schedule to this Act shall be taken by every returning officer forthwith after transmitting his return to the clerk of the Crown in Chancery under the 128th section of *The Ontario Election Act*, and the said oath shall be thereupon forthwith transmitted to the clerk of the Crown in Chancery, by post and in an envelope duly registered.

Proceedings where officers aware of violation of secrecy.

9. In case any returning officer, deputy returning officer or clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, it shall be his duty to communicate the particulars, with all convenient speed, to the County Crown Attorney; and it shall be the duty of the County Crown Attorney on receiving such information from such or any other person to forthwith enquire into the case as may be necessary, and to prosecute the offender as in the case of any other criminal offence.

SCHEDULE.

FORM A.

To be put up at all Polling Places.

NOTICE AS TO SECRECY OF VOTING.

It is the sworn duty of the deputy returning officer, and of every clerk and agent at this polling place, not to attempt to ascertain how any person is about to vote or has voted; and not to attempt to see or ascertain, at the counting, the number on the back of any ballot paper, or the number on any counterfoil; and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is the further sworn duty of the deputy returning officer, and of every clerk and agent at this polling place, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable, on summary conviction before a stipendiary magistrate or before two justices of the peace, to imprisonment with hard labor for six months.

By section 182 of *The Ontario Election Act*, it is further provided, among other things, that no person shall open or otherwise interfere with any ballot-box or package of ballot papers in use for the purposes of the election, or shall attempt to do so; and that any person guilty of any violation of this section shall be liable, if he is the returning officer, to imprisonment for two years, with hard labour, and if he is any other person, to imprisonment for six months, with hard labour.

Section 186 provides that, in addition to every other penalty and liability, any officer or clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of the Act, shall forfeit to any person aggrieved by the misfeasance, act or omission, a penal sum of \$400.

This notice is placarded by order of the Legislature.

CHARLES T. GILLMOR, (*as the case may be*)
Clerk of the Crown in Chancery.

FORM B.

OATH OF SECRECY.

Substituted for Form 31 in Election Act.

I, the undersigned,
solemnly promise and swear that I will not attempt to ascertain, and will not by any means in my power permit any other person to ascertain, how any person is about to vote or shall have voted at the election save and except what may be necessary and proper in the case of blind persons or persons unable to read, or incapable of marking their ballot papers as provided in the 101st section of *The Ontario Election Act*.

I further solemnly swear that I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

I further solemnly swear that I will in all respects maintain, and aid in maintaining, the absolute secrecy of the voting at the polling place.

SO HELP ME GOD."

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.

FORM C.

OATH OF THE DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

Substituted for Form 29 in the Election Act.

I, the undersigned, Deputy Returning Officer for the Polling Sub-division of the Township (or as the case may be), of _____, in the Electoral District of _____, do solemnly swear that to the best of my knowledge the annexed voters' list used in and for the said _____ Polling Sub-division of the said _____ was so used under my direction in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

I further solemnly swear that my examination of the ballot papers after the closing of the polling to ascertain that they were the ballot papers which I had supplied, was made and completed before opening the ballot papers in order to count the same, and that in making this examination I looked at the backs only and so far only as was necessary for the said purpose, and without opening any ballot paper, or seeing or permitting any one to see the front thereof.

And

And I solemnly swear that at the counting of the ballots at the close of the polling I kept the ballot papers with their printed faces upwards as required by law; that I took all proper precautions for preventing any person from seeing the numbers printed on the back of the ballot papers; that I did not by any means whatever attempt at the counting to ascertain, or permit myself to ascertain, the number on the back of any ballot paper.

I further solemnly swear that I have not by any means whatever attempted to ascertain for whom any person at this election voted; and that I did not permit any other person to obtain at any time any information as to any of the said particulars.

I further solemnly swear that I have not communicated and will not hereafter communicate to any person directly or indirectly any information as to how any voter voted, or any information which might or may enable or assist any person to ascertain how any person has voted.

(Signed) C. D.
Deputy Returning Officer.

Sworn and subscribed before me at , this
day of , A.D. 18 .

(Signed) X. Y.,
Justice of the Peace.
Or A. B.,
Returning Officer.
Or, C. D.,
Election Clerk.

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

NOTE.—*Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.*

FORM D.

OATH OF THE POLL CLERK AFTER THE CLOSING OF THE POLL.

Substituted for form 30 in Schedule to Ontario Election Act

I, the undersigned, Poll Clerk for the Polling Sub-division of , in the Electoral District of do solemnly swear that the annexed voters' list used in and for the said Polling Sub-division of the said under the direction of , who has acted as Deputy Returning Officer for such Polling Sub-division, has been so used by me under his direction as aforesaid, and that the entries required by law to be made therein have been so made by me correctly and to the best of my skill and judgment.

And

And I solemnly swear that I have not attempted by any means whatever to see or ascertain at the counting of the ballot papers the number on the back of any ballot paper; and that I have not by any means whatever attempted to ascertain for whom any voter at this election voted.

I further solemnly swear that I have not communicated, and will not hereafter communicate, to any person directly or indirectly any information as to the candidate for whom any vote has been or shall be given, or any information which may enable any person to ascertain how any person has voted.

(Signed) E. F.,
Poll Clerk.

Sworn and subscribed before me at this
day of , A.D. 18 .

(Signed) X. Y.,
Justice of the Peace, (or, Deputy Returning Officer,) (or
as the case may be.

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

NOTE.—*Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.*

FORM E.

Oath by messenger where the Deputy Returning Officer is unable to deliver packets to the Returning Officer.

I, _____ solemnly swear that I am
the person to whom
deputy returning officer for the polling division of the
of _____ in the electoral district of
delivered the election packets for the said polling division, to
be delivered to _____, returning officer for the
said electoral district, in consequence of the said deputy being
unable through illness or some other cause to deliver the same
personally to the returning officer; that the packets which I
have delivered to the said returning officer this day are all the
packets I so received; that I have not opened any of them,
and that they have not been opened by any other person since
I received them from the said deputy returning officer.

So HELP ME GOD.

Sworn and sub-
scribed, etc. }

NOTE.—*Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.*

FORM

FORM F.

Oath to be taken by Returning Officer after transmitting his Return to the Clerk of the Crown in Chancery.

I, _____, returning officer for the electoral division of _____, swear that, of the packets received by me as such returning officer from the deputy-returning officers in respect of the recent election of a member of the Legislative Assembly for the said electoral division, I have not opened, or permitted to be opened, any of the packets containing the ballot papers or the counterfoils; that I have not opened, or permitted to be opened, any of the packets so received except those authorized and directed to be opened by a returning officer by and under the 117th section of the *Ontario Election Act*; and that none of the other packets were opened by any person since they were returned to me by the deputy returning officers. (*Or, in case of there having been a recount by the County Judge, add, except by the county judge on a recounting of the votes by the said judge.*)

I further swear that I have not attempted to ascertain, and have not ascertained, from the ballot papers or other contents of any of the said packets, how any person voted.

I further swear that I have this day and before swearing to this oath transmitted to the clerk of the Crown in Chancery my return with respect to the said election, as required by law.

SO HELP ME GOD.

Sworn and sub-
scribed, etc. }

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.

CHAPTER 4.

An Act respecting polling places in the District of Algoma.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sub-section 1 of section 56 of *The Ontario Election Act*, is amended by striking out the words "Michipicoten River," and "Michipicoten Island" in the list of polling places in the said sub-section mentioned, and by adding to the said list the following

Rev. Stat. c.
9, s. 56, sub-
s. 1, amended.

following

ing: Walford Station; Deer Lake, Township of Wells; Massey Station; Webbwood Station; Whitefish Station; McNaughton Station; Chelmsford Station; Cartier Station; Chapleau Station; Missanobee Station; Biscotasing Station; lot 4 in the third concession of the township of Plummer; lot 2 in the second concession of the township of Coffin; lot 2 in the eighth concession of the township of Galbraith; Lyons school house in concession G., St. Joseph's Island; Irwin's school house, St. Joseph's Island; Jocelyn school house, St. Joseph's Island; Kas-kawan school house, St. Joseph's Island.

CHAPTER 5.

An Act to vest certain portions of the former St. Catharines, Thorold and Niagara Falls Road, in the Town of Niagara Falls and Township of Stamford.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the former proprietors of that part of the gravelled or macadamized road known as the St. Catharines, Thorold and Niagara Falls Road lying between Table Rock and a point about five miles distant therefrom along the said gravelled or macadamized road, and which said point is situate in the township of Stamford and county of Welland, were paid the value of the said road under an award made on an arbitration between the said proprietors and the commissioners of the Queen Victoria Niagara Falls Park; and whereas that portion of the said road which lies between Table Rock and the Niagara Falls Suspension Bridge, was, by an Act of the Legislature of Ontario, passed in the 51st year of Her Majesty's reign, and chaptered 7, vested in the said commissioners of the Queen Victoria Niagara Falls Park, and no disposition has been made of that portion of the said road not within the park; and whereas the municipalities of the town of Niagara Falls and of the township of Stamford respectively desire to have vested in each of them respectively the other portions of such road not vested in the aforesaid commissioners by the said Act, which lie between the Niagara Falls Suspension Bridge and said point so about five miles distant from said Table Rock, and so situate in the said township of Stamford, and have prayed for an Act accordingly; and whereas it is desirable to grant their petition, to the prayer of which the aforesaid commissioners offer no opposition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. There shall be vested in the town of Niagara Falls that portion of such gravelled or macadamized road between a point distant one chain west from the top of the bank near the Niagara Falls Suspension Bridge and the limit between the said town of Niagara Falls and the said township of Stamford proceeding in a westwardly direction, and there shall be vested in the township of Stamford the remaining portion of such gravelled or macadamized road which lies between the limits of the said municipalities of the said township of Stamford and said town of Niagara Falls to the westerly end of said macadamized road, about five miles distant from the Table Rock as aforesaid.

Certain portions of road vested in town of Niagara Falls and township of Stamford.

CHAPTER 6.

An Act to amend The Free Grants and Homesteads Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 12 of *The Free Grants and Homesteads Act* is repealed, and the following is substituted therefor:—

Rev. Stat. c. 25, s. 12, repealed.

12. From and after the 30th day of April, 1889, the patentee, his heirs or assigns, of land located or sold under this Act, after the 5th day of March, 1880, shall be entitled to be paid out of the Consolidated Revenue of the province, on all pine trees cut on such land subsequent to the 30th day of April next after the date of the patent, and upon which dues have been collected by the Crown the sum of thirty-three cents on each one thousand feet, board measure, of saw logs, and four dollars on each one thousand cubic feet of square or waney timber, and the Lieutenant-Governor in Council may make regulations for ascertaining and determining the persons from time to time to receive the payments and the sums to be paid.

Payment by Crown to patentees of part of dues.

2. In case a person who has complied with all the settlement duties under the said Act and obtained a patent for only one lot, is entitled to and desires to obtain another 100 acres to make up his full quantity, or having obtained his full quantity as a free grant has purchased an additional 100 acres under the orders and regulations under the said Act, and such additional location or purchase is adjacent to his patented lot, the Commissioner of Crown Lands upon being satisfied that such lot

Commissioner may dispense with residence and settlement duties in certain cases.

or

or lots are not chiefly valuable for their pine timber, and are suited only or principally for grazing purposes or as a fuel reserve, may dispense with residence and settlement duties upon them provided there are thirty acres cleared upon the patented lot, and may issue the patent at the expiration of the time required by the said Act.

Commissioner may dispense with clearing and residence in certain cases.

3. In case a person is *bona fide* the owner and occupant of land in a free grant district acquired otherwise than as a free grant under the said Act and is entitled and desires to obtain a free grant location and such location is adjacent to the land which he owns and occupies, the Commissioner of Crown Lands upon being satisfied by inspection or evidence that the lands are not chiefly valuable for their pine timber, and are suited only or principally for grazing purposes or as a fuel reserve, and that there are thirty acres cleared upon the lands which he owns and resides upon, may dispense with clearing and residence upon such free grant location and issue the patent at the expiration of the time required by the said Act.

Where occupant for six years not regularly located through inadvertence patent may issue before five years.

4. In case a person entitled to obtain a location under the provisions of the said *Free Grants and Homesteads Act* has, without objection by the Crown, for a period of six or more years occupied or made the required improvements upon one or more lots (not exceeding the quantity which may be granted under the said Act) of land prior to the said land being brought under the operation of the said Act, or if the land be open for location, in case he has so occupied but has not, either through inadvertence or oversight, been regularly located, the Commissioner of Crown Lands, subject to such regulations as may be provided in that behalf, may after location as by said Act is provided, issue the patent upon proof of the performance of the required settlement duties and without waiting for the expiration of five years from the date of location. But this section shall not apply where it appears to the Commissioner that the lot has been selected chiefly on account of the pine timber thereon.

Rev. Stat. c. 25, s. 10, amended.

5. Section 10 of *The Free Grants and Homesteads Act* is amended by adding thereto the following sub-section,—

Locatee of two or more lots may cut pine for building and fencing.

(2) Where the land allotted to a locatee or purchaser under this Act, is composed of two or more lots, or parcels of lots, the said locatee or purchaser or those claiming under him may cut such pine trees as may be necessary for the purpose of building and fencing as hereinbefore provided, on any one or more of the said lots or parcels of lots so located or purchased, and may use the said pine trees on the same lot or of any of the other lots or parcels of lots held by him as a free grant or by purchase under this Act, whether located at the same time or otherwise.

6. Sub-sections 3 and 4 of section 22 of *The Free Grants and Homesteads Act*, are hereby repealed and the patents for the lands in said sub-sections mentioned or referred to may issue notwithstanding any arrears of payments of the expenses of clearing, fencing and erection of buildings thereon; and all sums due Her Majesty in respect of such clearing, fencing and building by locatees in the townships of Ryerson and Spence, in the district of Parry Sound, amounting to \$7,304 principal, together with any interest thereon, are hereby remitted.

Rev. Stat. c. 25, s. 22, sub ss. 3 and 4 repealed.
Remission of dues from settlers in Ryerson and Spence.

7. All sums due to the Crown for seed-grain supplied to the settlers in the free grant territory or any part thereof, amounting to \$5,306, together with any interest thereon, are hereby remitted.

Sums due to Crown for seed-grain remitted.

8. This Act shall be read with and as part of *The Free Grants and Homesteads Act*.

Act incorporated with Rev. Stat. c. 25.

CHAPTER 7.

An Act respecting the Culling and Measurement of Saw-Logs cut upon Crown Lands.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. This Act may be cited as "*The Ontario Cullers' Act*." Short title.
2. The expression "saw-logs" includes all logs of pine of whatever length, whether round or flatted. "Saw-logs." meaning of.
3. The expression "culler" includes all persons employed or engaged in measuring saw-logs cut on Crown Lands. "Culler." meaning of.
4. It shall be incumbent upon all persons cutting saw-logs on Crown Lands to cause to be kept in each shanty, camp, or lumbering establishment such records and books as may be required by the Crown Lands Department, which records and books shall be open at all times to the inspection of any Crown timber agent, Crown timber ranger, or other officer of the Crown Lands Department, and shall at the end of the season be attested under oath by the person who has made the entries therein and handed to the officer of the Department authorized to receive the same.

Examination
of applicants
for licenses to
cull and mea-
sure saw-logs.

5. The Lieutenant-Governor in Council may from time to time appoint a board or boards of examiners, each consisting of three skilled persons, any two of whom shall form a quorum, whose duty it shall be to examine and test the ability and knowledge of all applicants desiring to be licensed to cull and measure saw-logs cut on Crown lands; and to perform such other duties as may be assigned to them by the Lieutenant-Governor in Council.

Oath of
examiner.

6. Each examiner, before entering on his duties, shall take and subscribe before a justice of the peace an oath to the following effect:

That I _____, will act as examiner of cullers to the best of my ability and knowledge, and will conduct the examinations without fear, favour or affection, and recommend for licenses only those persons who have satisfactorily proved their fitness to discharge the duties of culling and measuring saw-logs. (Sd).

which affidavit shall be transmitted to the Commissioner of Crown Lands to be filed.

Fees of
examiners.

7. The Lieutenant-Governor in Council may authorize the payment to each member of such boards of examiners, as remuneration for his services, a sum not exceeding \$4 per day, while actually employed as such examiner.

Sittings of
boards of ex-
aminers.

8. The boards of examiners shall sit at such places and on such dates as may be fixed by the Commissioner of Crown Lands, and shall examine all candidates who may present themselves before them, and at the close of the examination, or as soon after as may be, shall transmit to the Commissioner of Crown Lands the names of such of those as they believe are trustworthy and of good character, and who have passed a satisfactory examination, and whom they recommend as having the requisite skill and knowledge to warrant their being licensed as saw-log cullers.

Notice to be
given of sit-
tings of
board.

9. The Commissioner of Crown Lands shall cause to be addressed to all licensees and owners of timber limits on or before the first of January next after the passing of this Act, a printed notice of the place at which it is proposed to hold examinations, and the date thereof, and shall give such further notice by advertisement in the public press, or otherwise, as he may deem expedient.

Candidates to
give notice
and pay fees.

10. All persons intending to present themselves for examination as cullers shall on or before the first day of May in any year give notice in writing to the Commissioner of Crown Lands of such intention, and their post office address, and shall pay into the Department of Crown Lands the sum of \$4 as an examination fee.

11. The Commissioner of Crown Lands may issue a license Licenses to cullers. to any person reported by a board of examiners as competent to perform the duties of culler, such licenses to be in the form following, and to remain in force until cancelled :—

To _____ of the (*County or District*) of _____
 By virtue of authority vested in me by Act of the Legislative Assembly
 Victoria, 1890, chapter _____ entitled "*An Act relating to the culling and measurement of saw-logs cut upon Crown Lands,*" I
 hereby authorize you to act as culler of saw-logs which may be cut on
 Crown lands within the Province of Ontario, such authority to continue in
 force during pleasure.

Given under my hand this _____ day of _____ in the year
 of our Lord A.D. 18 _____

(Sgd.)

Commissioner of Crown Lands.

12. Before such license is issued each successful applicant Oath of applicant for a license. shall take the following oath before a justice of the peace, a notary public or a commissioner of the High Court of Justice:—

I _____, do solemnly swear that I will, while acting as licensed culler, without fear, favour or affection, and to the best of my judgment and skill, correctly measure all saw-logs cut on Crown lands which I may be employed to measure, and make true return of the same to the Department of Crown Lands, or its agents.

which oath of office shall be filed in the Department of Crown Lands.

13. From and after the passing of this Act no person other Unlicensed persons not to make measurements. than a licensed culler shall make measurement of saw-logs cut upon Crown lands for the purposes of a return to the Crown Lands Department; except that where it is made to appear to the satisfaction of the Commissioner of Crown Lands that the services of a licensed culler are not procurable, he may issue a special permit to any trustworthy and skilled person to act as culler, upon his taking the prescribed oath, but such permit shall not extend beyond the 1st day of July next following its date.

14. It shall be the duty of every culler to measure fairly Duties of cullers. and correctly to the best of his skill, knowledge and ability, all saw-logs which he may be employed to measure, making only such deductions as are necessary to allow for the rots or other defects, and to enter in his book of record, for the purpose of return to the Crown Lands Department, what he believes to be the proper contents of the log, noting also the number of saw-logs rejected as worthless, commonly called culls.

15. Upon all logs culled or rejected as wholly worthless he Culled logs to be marked. shall write the word "cull" in plain letters, but he shall not mark "cull" upon any log which is intended to be hauled to any river, lake or stream for the purpose of being driven to a mill.

Inspection of
books and
records of
cullers.

16. All licensed cullers shall submit their books and records of measurement for the inspection of any Crown timber agent, Crown timber ranger, or other officer of the Crown Lands Department when called upon so to do, and shall give all information asked for if in their power, and furnish any statements or copies of statements which the Department or its agents may from time to time require.

Returns to be
made by cul-
lers.

17. At the end of the season it shall be the duty of every culler to make a sworn return upon forms supplied by the Crown Lands Department or its agents, which return shall show the number of pieces measured and accepted by such culler, and their respective lengths and diameters, and also the number of pieces rejected as worthless.

Effect of can-
cellation of
license.

18. Should any culler neglect or refuse to carry out and obey the provisions of this Act, or any regulations now in force or to be made under it, the Commissioner of Crown Lands may cancel such culler's license and he shall not thereafter be eligible to cull or measure saw-logs cut upon Crown lands, and if he does so he shall be liable to a penalty of not less than \$10 nor more than \$50 to be recovered with costs on summary conviction before any stipendiary magistrate, police magistrate or two justices of the peace, and on default of payment or distress, he shall be imprisoned in the common gaol of the county or district for a period not less than one month nor more than three months, in the discretion of the court.

Penalty for
making im-
proper meas-
urements or
false returns.

19. Should any culler wilfully undermeasure or improperly cull and reject any saw-logs, or make a false return for the purpose of deceiving or defrauding the Province, such culler's license shall be revoked, and he shall not thereafter be permitted to act as culler under this Act; and in addition he shall be subject to a penalty of not less than \$20 nor more than \$100, to be recovered with costs on summary conviction before any stipendiary magistrate, police magistrate, or two justices of the peace, and on default of payment he shall be imprisoned in the common gaol of the county or district for a period of not less than one month nor more than three months, in the discretion of the court.

Act not to
affect regula-
tions under
Rev. Stat. c.
28.

20. This Act shall not be taken or construed as abrogating any regulations made under *The Act respecting Timber on Public Lands*, except in so far as any such regulations may be inconsistent herewith.

13th section
not to apply
in certain
cases.

21. The 13th section of this Act shall not apply to the operations of any lumber company, person or firm, whose gross annual output is under 250,000 feet, board measure.

Commence-
ment of Act.

22. This Act shall not come in force until a day to be named by the Lieutenant-Governor by his proclamation.

CHAPTER

CHAPTER 8.

An Act respecting Timber Licenses affecting Registered Land.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where a license under the Revised Statute of 1877 respecting the sale and management of timber on public lands, or under the Revised Statute of 1887, respecting Timber on Public Lands, was or shall be granted, and the land is registered under *The Land Titles Act*, the same shall be deemed to have been, and to be subject to the rights of the licensee for the current license year, or of his assignee, and to the rights of Her Majesty in the pine trees under *The Free Grants and Homesteads Act*, in the Revised Statutes of 1877, or in the Revised Statutes of 1887, without the fact of such land being so subject being expressed in the entry in the register, or in the certificate of ownership.

Effect of
registration of
land under
Rev. Stat. c.
116 upon
timber
licenses.

CHAPTER 9.

An Act to amend The General Mining Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 9 of *The General Mining Act* is amended as follows:—

Rev. Stat.
c. 31 s. 9
amended.

(1) The first three lines and all the words of the fourth line of sub-section 1 of section 9 of *The General Mining Act* down to and including the words "river St. Mary" in the said fourth line are struck out and the following substituted therefor: "In the unsurveyed territory within the districts of Algoma, Thunder Bay and Rainy River and that part of the District of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawa."

(2)

(2) The words following shall be added to the said first sub-section, that is to say, "or 20 chains in length by 20 chains in width containing forty acres." Notwithstanding anything in the said *General Mining Act* contained, a mining location containing forty acres may be sold or granted by the Crown.

(3) The words "or a sixteenth of a section" are hereby added to sub-section 3 of said section 9.

Rev. Stat.
c. 31 amended

2. The following section shall be added to and form part of *The General Mining Act*:—

Appointment
of agents to
sell mining
lands.

42.—(1) The Lieutenant-Governor may, from time to time, appoint local officers or agents to receive applications for the sale of mining lands in their respective agencies and to carry out the provisions of any regulations and Orders in Council in that behalf and to supply information to intending purchasers and they shall be paid in such manner and at such rates as the Lieutenant-Governor in Council may direct.

(2) The Lieutenant-Governor in Council may, from time to time, make such regulations as he deems necessary or expedient for the purpose of carrying out this section.

CHAPTER 10.

An Act respecting Mining Regulations.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preliminary.

Short title.

1. This Act may be cited as *The Mining Operations Act, 1890*, and shall come into operation on the first day of July, 1890.

Application of
Act

2. This Act shall not apply to any mine unless more than six persons, other than the owner, are employed underground, nor to stone quarries; but nevertheless the owners or agents of such mines shall observe and keep the provisions of sections 4 and 5 of this Act, and in case of nonobservance thereof shall incur the penalties provided for by section 18 of this Act.

3. In this Act, unless the context otherwise requires, the Interpretation term "mine" includes every shaft in the course of being sunk, "Mine." and every adit, level and inclined plane in the course of being driven for commencing or opening any mine, or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways, and sidings, both below ground and above ground, in and adjacent to a mine, and any such shaft, level and inclined plane, and belonging to any mine to which this Act applies;

The term "shaft" includes pit; "Shaft."

The term "plan" includes a map and section, and a correct copy or tracing of any original plan as so defined; "Plan."

The term "machinery" includes steam or other engines, "Machinery." boilers, furnaces, stampers, or other crushing apparatus, winding or pumping gear, chains, trucks, tramways, tackle, blocks, ropes, or tools, and shall include all appliances of whatsoever kind used in or about or in connection with the mine;

The term "owner," when used in relation to any mine, "Owner." means any person or body corporate who is the immediate proprietor, or lessee, or occupier of any mine, or of any part thereof, and does not include a person or body corporate who merely receives a royalty, rent, or fine from a mine, or is merely the proprietor of a mine subject to any lease, grant, or license for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mines;

The term "agent" when used in relation to any mine "Agent." means any person having, on behalf of the owner, care or direction of any mine, or of any part thereof, and includes the words "Manager" and "Superintendent";

The term "inspector" includes any inspector appointed "Inspector." under *The General Mining Act*, or any amendments thereto, and whether for a mining division or any part thereof or for the province.

PART I.

EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN.

4. No boy under the age of fifteen years shall be employed in or allowed to be for the purpose of employment in any mine to which this Act applies below ground; and no girl or woman shall be employed at mining work or allowed to be for the purpose of employment at mining work in or about any mine. Employment of women and children.

Hours of employment of boys.

5. A boy or male young person of the age of fifteen and under the age of seventeen years shall not be employed in or allowed to be for the purpose of employment in any mine to which this Act applies below ground for more than forty-eight hours in any one week, or more than eight hours in any one day or otherwise than in accordance with the regulations following: that is to say:

(1) The period of each employment shall be deemed to begin at the time of leaving the surface, and to end at the time of returning to the surface.

(2) A week shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night.

Register to be kept of boys, and male young persons and women employed.

6. The owner or agent of every mine to which this Act applies, shall keep in the office at the mine, or in the principal office of the mine belonging to the same owner in the district in which the mine is situated, a register, and shall cause to be entered in such register the name, age, residence and date of the first employment of all boys or of all male young persons of the age of fifteen and under the age of seventeen years, who are employed in the mine below ground, and shall produce such register to any inspector at the mine at all reasonable times when required by him, and allow him to inspect and copy the same. The immediate employer of every boy or male young person of the age aforesaid, other than the owner or agent of the mine, before he causes such boy or male young person to be in any mine to which this Act applies below ground, shall report to the owner or agent of such mine, or some person appointed by such owner or agent, that he is about to employ him in such mine.

Employment of young persons in connection with engines.

7. Where there is a shaft, inclined plane, or level in any mine to which this Act applies, whether for the purpose of an entrance to such mine or of a communication from one part to another part of such mine, and persons are taken up, down or along such shaft, plane or level by means of any engine, windlass or gin, driven or worked by steam or any mechanical power, or by an animal, or by manual labour, a person shall not be allowed to have charge of such engine, windlass or gin, or of any part of the machinery, ropes, chains or tackle connected therewith, unless he is a male of at least twenty years of age. Where the engine, windlass or gin is worked by an animal, the person under whose direction the driver of the animal acts shall, for the purposes of this section, be deemed to be the person in charge of the engine, windlass or gin, but such driver shall not be under sixteen years of age.

Penalty for employment of persons contrary to Act.

8.—(1) If any person contravenes or fails to comply with any provision of this Act with respect to the employment of women, girls, young persons or boys, or to the register of or report respecting boys and male young persons, or to the employment of persons about any engine, windlass or gin, he shall be

be guilty of an offence against this Act, and in case of any such contravention or non-compliance by any person whomsoever in the case of any mine, the owner and agent of such mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this Act to prevent such contravention or non-compliance.

(2) If it appear that a boy or young person or a person employed about an engine, windlass or gin, was employed on the representation of his parent or guardian that he was of that age at which his employment would not be in contravention of this Act, and under the belief in good faith that he was of that age, the owner or agent of the mine and the immediate employer shall be exempted from any penalty, and the parent or guardian shall, for such misrepresentation, be deemed guilty of an offence against this Act.

9. No wages shall be paid to any person employed in or about any mine to which this Act applies at or within any public house, beer shop, or place for the sale of any spirits, wine, beer, or other spirituous or fermented liquor, or other house of entertainment, or any office, garden, or place belonging or contiguous thereto, or occupied therewith.

Prohibition of payment of wages at public houses, etc.

Every person who contravenes or fails to comply with, or permits any person to contravene or fail to comply with, this section shall be guilty of an offence against this Act, and in the event of any such contravention or non-compliance in the case of any mine by any person whomsoever, the owner and agent of such mine shall each be guilty of an offence against this Act, unless he prove that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this section to prevent such contravention or non-compliance.

10.—(1) From and after the commencement of this Act, the owner or agent of every mine to which this Act applies, shall on or before the first day of February in every year, send to the Minister of Agriculture a correct return, specifying with respect to such mine, for the year ending on the preceding 31st day of December, and also the class of mineral or ore of such mine, and the number of persons ordinarily employed in or about such mine, below ground and above ground, distinguishing those who are employed below ground and above ground, and distinguishing the different classes and ages of the persons so employed, whose hours of labor are regulated by this Act. The return shall be in such form as may be from time to time prescribed by the Minister of Agriculture who shall from time to time, on application, furnish forms for the purpose of such return. Every owner or agent of a mine who fails to comply with this section, or makes any return which is to his knowledge false in any particular, shall be guilty of an offence against this Act.

Returns by owners and agents of mines.

(2) The owner or agent of any mine may, in addition to the return hereinbefore required by this section, also embrace in such return the quantity in statute weight of the mineral dressed, and of the undressed mineral which has been sold, treated or used during that year, and the value or estimated value thereof.

Notice of accidents in mines to be sent to inspector.

11. Where in or about any mine to which this Act applies whether above or below ground, either

- (1) Loss of life or any personal injury to any person employed in or about the mine, occurs by reason of any explosion of gas, powder, or of any steam boiler; or
- (2) Loss of life or any serious personal injury to any person employed in or about the mine, occurs by reason of any accident whatever, the owner or agent of the mine shall, within twenty-four hours next after the explosion or accident, send notice in writing of the explosion or accident and of the loss of life or personal injury occasioned thereby, to the Minister of Agriculture, and shall specify in such notice the character of the explosion or accident, and the number of persons killed and injured respectively.

Where any personal injury, of which notice is required to be sent under this section, results in the death of the person injured, notice in writing of the death shall be sent to the inspector within twenty-four hours after such death comes to the knowledge of the owner or agent. Every owner or agent who fails to act in compliance with this section, shall be guilty of an offence against this Act.

Notice of opening and abandonment of mine to be given to inspector.

12. In any of the following cases, namely:

- (1) Where any working is commenced for the purpose of opening a new shaft for any mine to which this Act applies;
- (2) Where a shaft of any mine to which this Act applies is abandoned, or the working thereof discontinued;
- (3) Where the working of a shaft of any mine to which this Act applies is recommenced after an abandonment or discontinuance for a period exceeding two months; or
- (4) Where any change occurs in the name of, or in the name of the owner or agent of a mine to which this Act applies, or in the officers of any incorporated company which is the owner of a mine to which this Act applies;

the owner or agent of such mine shall give notice thereof to the inspector within two months after such commencement, abandonment,

abandonment, discontinuance, recommencement or change, and if such notice is not given, the owner or agent shall be guilty of an offence against this Act; provided that—

- (1) This section shall apply only to any working or mine in which more than twelve persons are ordinarily employed below ground.

13. For the prevention of accidents, where any mine to which this Act applies is abandoned or the working thereof discontinued, at whatever time such abandonment or discontinuance occurred, the owner thereof, and every other person interested in the minerals of the mine, shall cause the top of the shaft and any side entrance from the surface, to be and to be kept securely fenced; Fencing of abandoned mine.

Or shall cause a sign board to be strongly nailed to a post not less than eight feet high at the top of the shaft, and at any side entrance from the surface, on which there shall be painted in conspicuous letters in durable material the words “abandoned mining shaft.”

Provided that—

Proviso.

- (1) Subject to any contract to the contrary, the owner of the mine shall, as between him and any other person interested in the minerals of the mine, be liable to carry into effect this section, and to pay any costs incurred by any other person interested in the minerals of the mine in carrying this section into effect;
- (2) Where such abandonment or discontinuance has occurred in the case of a mine before the passing of this Act, this section shall apply only to such shaft or side entrance of the mine as is situate within fifty yards of any highway, road, footpath or place of public resort, or in open or unenclosed land, or not being situate as aforesaid, is required by an inspector in writing to be fenced, on the ground that it is specially dangerous.

If any person fail to act in conformity with this section, he shall be guilty of an offence against this Act. Any shaft or side entrance which is not fenced, or in respect of which the said signboard is not nailed up and kept nailed up as aforesaid as required by this section, and is within fifty yards of any highway, road, footpath or place of public resort, or is in open or unenclosed land, or is required by an inspector as aforesaid to be fenced, shall be deemed to be a nuisance.

14. No person shall be appointed or authorized to be qualified to act as an inspector who practices or acts or is a partner of any person who practices or acts as a mining agent, or who is employed by the owners of or is interested in any mine. Inspector not to be interested in mines.

15.

Powers of
inspectors.

15. An inspector under this Act shall have power to do all or any of the following things, namely :

- (1) To make such examination and enquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with in the case of any mine to which this Act applies ;
- (2) To enter, inspect and examine any mine to which this Act applies, and every part thereof, at all reasonable times by day and night, but so as not to impede or obstruct the working of the said mine ;
- (3) To examine into and make enquiry respecting the state and condition of any mine to which this Act applies, or any part thereof, and the ventilation of the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine, or any mine contiguous thereto, and to give notice to the owner or agent in writing of any particulars in which he considers such mine or any part thereof or any matter, thing or practice to be dangerous or defective, and to require the same to be remedied within the period of time named in such notice, and unless the cause of danger be removed or such defect be remedied within the time named, the owner or agent shall be guilty of an offence against this Act ;
- (4) To exercise such other powers as may be necessary for carrying this Act into effect.

Every person who wilfully obstructs any inspector in the execution of his duty under this Act, and every owner and agent of a mine who refuses or neglects to furnish to the inspector the means necessary for making any entry, inspection, examination or enquiry under this Act in relation to such mine, shall be guilty of an offence against this Act.

Reports of
inspector.

16. Every inspector under this Act shall make an annual report of his proceedings during the preceding year to the Minister of Agriculture, which report shall be laid before the Legislative Assembly. The Minister of Agriculture may at any time direct an inspector to make a special report with respect to any accident in a mine to which this Act applies, which accident has caused loss of life or personal injury to any person, and in such case shall cause such report to be made public at such time and in such manner as he thinks expedient.

Service of
notices pend-
ing appoint-
ment of
inspector.

17. Until the appointment of a mining inspector or in the event of a vacancy in such office, any notice by this Act required to be given to such mining inspector shall be given to the Minister of Agriculture.

Penalties.

Penalties.

18. Every person employed in or about a mine other than an owner or agent, who is guilty of any act or omission which in the case of an owner or agent would be an offence against this Act, shall be deemed to be guilty of an offence against this Act. Every person who is guilty of an offence against this Act shall be liable to a penalty not exceeding, if he is an owner or agent, fifty dollars, and if he is any other person ten dollars, for each offence; and if an inspector has given written notice of any such offence, to a further penalty not exceeding five dollars for every day after such notice that such offence continues to be committed. Penalties

19. Any complaint or information made or laid in pursuance of this Act shall be made or laid within three months from the time when the matter of such complaint or information respectively arose : Limitation of prosecutions and form of information.

- (1) The description of any offence under this Act in the words of this Act shall be sufficient in law ;
- (2) Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant.

20. No prosecution shall be instituted against the owner or agent of a mine to which this Act applies for any offence under this Act, except by an inspector, the county or district attorney, or with the consent in writing of the Attorney-General; and in the case of any offence of which the owner or agent of a mine is not guilty, if he proves that he had taken all reasonable means to prevent the commission thereof, an inspector shall not institute any prosecution against such owner or agent, if satisfied that he had taken such reasonable means as aforesaid. Prosecution for offences.

21.—(1) Nothing in this Act shall prevent any person from being indicted or liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence. Prosecution under other Acts.

(2) If the Court before whom a person is charged with an offence under this Act think that proceedings ought to be taken against such person for such offence under any other Act or otherwise, the Court may adjourn the case to enable such proceedings to be taken.

Manner in which prosecutions may take place.

22. All prosecutions for the punishment of any offence under this Act may take place before any two or more of Her Majesty's Justices of the Peace having jurisdiction in the county or district in which the offence is committed, or before a police or stipendiary magistrate, and the forms appended to an Act of the Parliament of Canada entitled *An Act Respecting Summary Proceedings before a Justice of the Peace*, or forms to the like effect or similar thereto shall in all cases be sufficient.

RULES.

General Rules.

General rules 23. The following general rules shall, so far as may be reasonably practicable, be observed in every mine to which this Act applies.

Ventilation. 1. An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shafts, winzes, sumps, levels, underground stables, and working places of such mine, and the travelling roads to and from such working places, shall be in a fit state for working and passing therein.

Gunpowder and blasting. 2. Gunpowder, dualine, dynamite or other explosive or inflammable substance shall only be used underground in the mine as follows:

- (a) It shall not be stored in the mine in any quantity exceeding what would be required for use during six working days;
- (b) It shall not be taken for use into the workings of the mine except in a securely covered case or canister, containing not more than eight pounds;
- (c) A workman shall not have in use at one time in any one place more than one of such cases or canisters;
- (d) In charging holes for blasting, except in mines excepted from the operation of this section by the Minister of Agriculture, an iron or steel pricker shall not be used, and a person shall not have in his possession in the mine underground any iron or steel pricker, and an iron or steel tamping rod or stemmer shall not be used for ramming either the wadding or the first part of the tamping or stemming on the powder;
- (e) A charge of powder which has missed fire shall not be unrammed;
- (f) A charge which has missed fire may be drawn by a copper pricker, but in no case shall any iron or steel tool be used for the purpose of drawing or drilling out such charge.

3. Every underground plane on which persons travel, which is self-acting, or worked by an engine, windlass or gin, shall be provided (if exceeding thirty yards in length) with some proper means of signalling between the stopping places and the ends of the plane, and shall be provided in every case, at intervals of not more than twenty yards, with sufficient man-holes for places of refuge. Man-holes in self-acting or engine planes.

4. Every road on which persons travel underground where the produce of the mine in transit exceeds ten tons in any one hour over any part thereof, and where the load is drawn by a horse or other animal, shall be provided, at intervals of not more than one hundred yards, with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length, and of at least three feet in width between the wagons running on the tramroad and the side of the road; and the Minister of Agriculture may, if he see fit, require the inspector to certify whether the produce of the mine in transit on the road aforesaid does or does not ordinarily exceed the weight as aforesaid. Spaces in horse roads.

5. Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or such space so as to prevent access thereto. Keeping spaces clear.

6. The top of every shaft which was opened before the commencement of the actual working for the time being of the mine and has not been used during such actual working shall, unless the inspector otherwise permits, be securely fenced, and the top of every other shaft which for the time being is out of use, or used only as an air shaft, shall be securely fenced, or in either case due notice shall be given by nailing up a signboard as in this Act is hereinbefore provided, as the inspector shall direct. Fencing of old shafts.

7. The top and all entrances between the top and bottom of every working or pumping shaft shall be properly fenced, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions are used. Fencing of entrances to shafts.

8. Where the natural strata are not safe, every working or pumping shaft, adit, tunnel, drive, roadway or other workings, shall be securely cased, lined or timbered, or otherwise made secure. Securing of shafts.

9. Every mine shall be provided with proper and sufficient machinery and appliances for keeping such mine free from water, the accumulation or flowing of which might injuriously affect any other mine. Safety from water.

10. Where one portion of a shaft is used for the ascent and descent of persons by ladders or a man engine, and another portion of the same shaft is used for raising the material gotten in the mine, the first mentioned portion shall be cased or otherwise securely fenced off from the last mentioned portion. Division of shaft.

Signalling.

11. Every working shaft in which persons are raised shall, if exceeding fifty yards in depth, and not exempted in writing by the inspector, be provided with gundes and some proper means of communicating distinct and definite signals from the bottom of the shaft and from every entrance for the time being in work between the surface and the bottom of the shaft to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in work between the surface and the bottom of the shaft.

Cover over-head.

12. A sufficient cover over head shall be used when lowering or raising persons in every working shaft, except where it is worked by a windlass, or where the person is employed about the pump or some work of repair in the shaft, or where a written exemption is given by the inspector.

Chains.

13. A single linked chain shall not be used for lowering or raising persons in any working shaft or plane except for the short coupling chain attached to the cage or load.

Slipping of rope on drum.

14. There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope from slipping.

Brake.

15. There shall be attached to every machine worked by steam, water or other mechanical power, and used for lowering or raising persons, an adequate brake, and also a proper indicator (in addition to any mark on the rope) which shows to the person who works the machine the position of the cage or load in the shaft.

Inclination of ladders.

16. A proper footway or ladder, inclined at the most convenient angle which the space in which the ladder is fixed allows, shall be provided in every working shaft where no machinery is used for raising or lowering persons; and every such ladder shall have substantial platforms at intervals of not more than forty feet, and no such ladder shall be fixed for permanent use in a vertical or overhanging position unless in shafts used exclusively for pumping. In every mine in which vertical or overhanging ladders shall be in use in the shaft at the time when these rules shall be applied to it, they may be retained provided securely fixed platforms be constructed at intervals of not more than 30 feet from each other, and such ladders have sufficient spaces for footholds of not less than six inches.

Dressing room

17. If more than twelve persons are ordinarily employed in the mine below ground, sufficient accommodation shall be provided above ground near the principal entrance of the mine, and not in the engine house or boiler house, for enabling the persons employed in the mine to conveniently dry and change their clothes.

Fencing machinery.

18. Every fly-wheel and all exposed and dangerous parts of the machinery used in or about the mine shall be and be kept securely fenced.

19.

19. Every steam boiler shall be provided with a proper steam gauge and water gauge, to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety valve. Gauges to boilers and safety-valves.

20. No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, break, indicator, ladder, platform, steam gauge, water gauge, safety-valve, or other appliance or thing provided in any mine in compliance with this Act. Every person who contravenes or does not comply with any of the general rules in this section shall be guilty of an offence against this Act, and in the event of any contravention of, or non-compliance with any of the said general rules in the case of any mine to which this Act applies, by any person whomsoever, being proved, the owner and agent of such mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the said rules as regulations for the working of the mine to prevent such contravention or non-compliance. Wilful damage.

24. On the occasion of any examination or inspection of a mine the owner shall, if required so to do, produce to the inspector or any other person duly authorized by the Minister of Agriculture, an accurate plan of the workings thereof; every such plan as aforesaid shall show the workings of the mine up to within six months of the time of the inspection, and the owner shall, if required by such inspector or other authorized person, cause to be marked on such plan the progress of the workings of the mine up to the time of such inspection, and shall also permit the inspector to take a copy or tracing thereof. Plans to be produced on inspection of mine.

25. Every person who pulls down, injures or defaces any rules, notice or abstract posted up by the owners or agent shall be guilty of an offence against this Act. Punishment for defacing notices.

CHAPTER 11.

An Act to provide for the purchase of Debentures issued by Counties for drainage purposes.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Duties of Commissioner of Public Works under Rev. Stat. c. 37 transferred to Treasurer.

1. The duties by *The Municipal Drainage Aid Act* assigned to the Commissioner of Public Works are hereby transferred to and vested in the Provincial Treasurer; but this shall not apply to the 6th section of the said Act.

Purchase of county drainage debentures.

2. The authority given under the said Act to purchase township debentures is hereby extended to county debentures issued under by-laws passed in pursuance of section 598 of *The Municipal Act*.

Duties of Commissioner of Agriculture under Rev. Stat. c. 38 transferred to Treasurer.

3. The duties by *The Tile, Stone and Timber Drainage Act* assigned to the Commissioner of Agriculture are hereby transferred to and vested in the Provincial Treasurer.

CHAPTER 12.

An Act respecting certain Statistical Returns.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 184, s. 382 amended.

1. Section 382 of *The Municipal Act* is amended by substituting for the words "Provincial Secretary" in the fourth line of said section, the words "Minister of Agriculture."

Rev. Stat., c. 186, ss. 5 and 6, amended.

2. Sections 5 and 6 of *The Debentures Registration Act* are amended by substituting for the words "Provincial Secretary," where they occur in the said sections, the words "Minister of Agriculture."

51 V., c. 29, s. 4 amended.

3. Section 4 of *The Assessment Amendment Act, 1888*, is amended by striking out the words "Provincial Secretary" in the ninth line of the said section and substituting therefor the words "Minister of Agriculture."

4. Clause (b) of section 2 of the Act passed in the fifty-second year of Her Majesty's reign, intituled "*An Act to amend the Revised Statutes respecting Building Societies*," is amended by adding after the word "address" in the said clause the words "and occupation." 52 V., c. 34, s. 4, amended.

5. Clause (c) of section 2 of the said last mentioned Act is amended by adding thereto the words "and the amount paid up thereon." 52 V., c. 34, s. 2 (c) amended.

6. Section 4 of the said Act is amended by substituting for the words "Provincial Treasurer" where they occur in the said section, the words "Minister of Agriculture." 52 V., c. 34, s. 4, amended.

7.—(1) Every clerk with whom instruments are required to be registered under the provisions of the *Act respecting Mortgages and Sales of Personal Property*, shall on or before the 15th day of January in each year, transmit to the Minister of Agriculture returns which shall set out: Returns of chattel mortgages etc., to be made by county court clerks.

(a) The number of chattel mortgages and renewals, the number of discharges, and the number of assignments for the benefit of creditors on record and undischarged in the office of such clerk on the 1st day of January, in the year preceding that in which the return is made.

(b) The number of chattel mortgages and renewals, the number of discharges, and the number of assignments for the benefit of creditors registered in such office during the year following said 1st day of January, and

(c) The number of chattel mortgages and renewals, the number of discharges, and the number of assignments for the benefit of creditors on record and undischarged in said office on the 31st day of December in said year.

(2) The returns shall not include instruments which have lapsed by reason of non-renewal.

(3) The chattel mortgages and renewals and discharges, and assignments for the benefit of creditors in the said returns shall be classified according to the several occupations or callings of the vendors or mortgagors or assignors as stated in the instruments, and shall show the aggregate sums purporting to be secured thereby respectively.

(4) The returns shall, where practicable distinguish mortgages to secure future indorsations or future advances from mortgages to secure an existing debt or present advance.

CHAPTER 13.

An Act for expediting the decision of Constitutional and other provincial Questions.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Reference to
Court author-
ized.

1. The Lieutenant-Governor in Council may refer to the High Court or a Divisional Court thereof, or to the Court of Appeal, for hearing or consideration any matter which he thinks fit to refer, and the Court shall thereupon hear or consider the same.

Court to cer-
tify opinion.

2. The Court is to certify to the Lieutenant-Governor in Council its opinion on the question referred, with the reasons therefor which are to be given in like manner as in the case of a judgment in an ordinary action; and any Judge who differs from the opinion of the majority may in like manner certify his opinion with his reasons therefor to the Lieutenant-Governor in Council.

Notice to
Attorney-
General of
Canada.

3. In case the matter relates to the constitutional validity of any Act which has heretofore been or shall hereafter be passed by the Legislature of this Province, or of some provision in any such Act, the Attorney-General of Canada shall be notified of the hearing in order to be heard if he sees fit.

Notice to per-
sons inter-
ested.

4. The Court shall have power to direct that any person interested, or where there is a class of persons interested, any one or more persons as representatives of such class, shall be notified of the hearing, and such persons shall be entitled to be heard.

Appointment
of counsel to
argue case.

5. Where any interest affected is not represented by counsel, the Court may in its discretion request some counsel to argue the case in such interest, and the reasonable expenses thereof shall be paid out of the Suitors' Fee Fund or otherwise.

Appeal.

6. The opinion of the Court shall be deemed a judgment of the Court, and an appeal shall lie therefrom as in the case of a judgment in an action.

7. In case of the matter being appealed from the High Court or a Divisional Court thereof to the Court of Appeal, sections 2, 3, 4, 5, and 6 shall apply in like manner as if the original reference had been to the Court of Appeal. An appeal to Her Majesty in Her Privy Council from a judgment of any Court on a reference under this Act shall not be subject to the restrictions contained in the Revised Statute of this Province respecting Appeals to Her Majesty in Council.

Enactments
applicable to
appeals.

CHAPTER 14.

An Act to amend the law respecting the Lease and Sale of Settled Estates.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything in *The Judicature Act* or any other Act contained, the Court of Chancery and the High Court respectively, shall be deemed to have had, and the High Court shall be deemed to have, power to grant or authorize leases of settled or other estates containing agreements for the renewal or renewals of such leases, and to determine the length of time for which such renewal or renewals may be made; and all leases of settled or other estates containing provision for their renewal or renewals which have heretofore been allowed and approved by the Court of Chancery or the High Court, are hereby ratified and confirmed, and declared to be valid and binding on all the parties thereto or interested in the lands described therein.

Renewal
clauses in
leases of
settled estates

CHAPTER 15.

An Act to provide for holding Winter Assizes in the County of Carleton.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Winter assizes
to be held in
Carleton.

1. A sitting of the High Court of Justice at the county town for the county of Carleton, shall be held for the trial of civil causes, matters and issues, and criminal matters and proceedings, or of civil causes, matters and issues only, in each and every year between Michaelmas and Hilary sittings on such days as may be appointed by the judges of the High Court or a majority of them.

CHAPTER 16.

An Act to Amend The County Courts Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.
47, s. 47
repealed.

1. Section 47 of *The County Courts Act* is repealed, and the following substituted therefor:—

Security to
be given by
appellant.

47. The appellant shall give, or cause to be given to the opposite party, security either

- (1) By a bond executed by two persons, whether named as sureties or as parties interested or otherwise, in the sum of \$200, or such lesser sum as the judge of the Court appealed from may direct, conditioned that the appellant shall abide by the decision of the cause by the Court of Appeal, and pay all sums of money and costs, as well of the action as of the appeal, awarded and taxed to the opposite party; or
- (2) By paying into the Court appealed from in the manner provided by law within the time herein limited for the perfecting of an appeal bond, the sum of \$100 or such lesser sum as the judge may direct.

CHAPTER 17.

An Act to Amend The Surrogate Courts' Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 17 of *The Surrogate Courts' Act* is hereby amended by striking out the word "goods" in the fourth line of the first sub-section, and substituting therefor the word "property;" and by striking out the words "estate, goods, rights or credits" in the fifth line and substituting therefor the word "property."

Rev. Stat. c.
50, s. 17,
amended.

2. Section 18 of the said Act is amended by striking out the words "personal or real estate" in the fourth line of sub-section (2) thereof, and inserting in lieu of said words the word "property."

Rev. Stat. c.
50, s. 18 (2),
amended.

3. Section 18 of the said Act is further amended by striking out the words "personal estate" in the second and third lines of the fourth sub-section thereof and inserting in lieu of the said words the word "property," and by adding at the end of the said sub-section the words "subject to limitation under section 58 of this Act or otherwise."

Rev. Stat. c.
50, s. 18 (4),
amended.

4.—(1) Section 22 of the said Act is amended by striking out the words "on the first Monday in the months of January, April, July and October," where they occur in the sixth and seventh lines thereof, and substituting therefor the words "on the second Monday in the month of January, and the first Monday in the months of April, July and October."

Rev. Stat. c.
50, s. 22,
amended.

(2) Section 22 of the said Act is further amended by striking out the words "first Monday in January and April and on the second Monday in June and October," where they occur in the second and third lines of the second sub-section thereof, and substituting therefor the words "second Monday in January, June and October and the first Monday in April."

5. Section 31 of the said Act is amended by striking out the words "personal estate" in the seventh line of the second sub-section thereof and inserting in lieu of the said words the word "property."

Rev. Stat. c.
50, s. 31 (2),
amended.

6. Section 33 of the said Act is amended by inserting the word "property" between the word "the" and the word "goods" in the twelfth line thereof.

Rev. Stat. c.
50, s. 33,
amended.

Rev. Stat. c.
50, s. 35,
amended.

7. Section 35 of the said Act is amended by striking out the words "personal estate" in the last line but one thereof and inserting in lieu of said words the word "property," and by adding at the end of said section the words "subject to limitation under section 58 of this Act or otherwise."

Rev. Stat. c.
50, s. 36,
amended.

8. Section 36 of the said Act is amended by striking out the words "personal estate" in the last line thereof and inserting in lieu of the said words the word "property," and by adding at the end of said section the words "subject to limitation under section 58 of this Act or otherwise."

Rev. Stat. c.
50, s. 37,
amended.

9. Section 37 of the said Act is amended by striking out the word "personal" in the first line thereof, and by striking out the words "personal or real estate" in the ninth line thereof and inserting in lieu of said last-mentioned words the word "property."

Rev. Stat. c.
50, s. 38,
amended.

10. Section 38 of the said Act is amended by striking out the words "personal estate" in the fourth line thereof and inserting in lieu of said words the word "property."

Rev. Stat. c.
50, s. 39,
amended.

11. Section 39 of the said Act is amended by striking out the words "personal estate" in the sixth line thereof and inserting in lieu of said words the word "property."

Rev. Stat. c.
50, s. 44,
amended.

12. Section 44 of the said Act is amended by striking out the word "goods" in the fifth line thereof and substituting therefor the word "property."

Rev. Stat. c.
50, s. 53,
amended.

13. Section 53 of the said Act is amended by striking out the words "personal estate" wherever they occur in the said section and inserting in lieu thereof the word "property."

Rev. Stat. c.
50, s. 55,
repealed.

14. Section 55 of the said Act is amended by inserting therein after the word "annexed" in the second line, the words "of a person who died before the first day of July, 1886."

Rev. Stat. c.
50, s. 56,
amended.

15. Section 56 of the said Act is amended by striking out the words "personal estate" wherever they occur in the said section and inserting in lieu thereof the word "property."

Rev. Stat. c.
50, s. 57,
amended.

16. Section 57 of the said Act is amended by striking out the words "personal estate" in the third line thereof and inserting in lieu of said words the word "property."

Rev. Stat. c.
50, s. 67,
amended.

17. Section 67 of the said Act is amended by striking out the words "within the county in which the testator or intestate had his fixed place of abode at the time of his death" and inserting instead thereof, the words "of the proper county".

county"; and by striking out the figures "200" in the third line of said section and inserting in lieu thereof the figures "400."

18. Section 68 of the said Act is amended by striking out the words "estate and effects" in the fourth line thereof and inserting instead thereof the word "property"; and by striking out the figures "200" in the sixth line of said section and inserting in lieu thereof the figures "400."

Rev. Stat. c.
50, s. 68,
amended.

19. The Judges of the Supreme Court of Judicature and of the High Court respectively shall be deemed to have under section 78 of *The Surrogate Courts' Act*, authority to make rules of Court as therein mentioned, and to prescribe forms for carrying into effect the intention of the said *Surrogate Courts' Act*, *The Devolution of Estates Act*, and of this Act so far as the said Acts may affect proceedings in the Surrogate Courts.

Surrogate
Court rules

20. Wherever the provisions of *The Surrogate Courts' Act* shall be found to contradict or be inconsistent with the provisions of *The Devolution of Estates Act*, the said *Surrogate Courts' Act* is to be considered and taken as amended so as to conform in all respects with the true intent and meaning of *The Devolution of Estates Act*.

Rev. Stat. c.
50, amended.

21. When the person or one of the persons entitled to apply for probate of will or for letters of administration is Judge of the Surrogate Court having jurisdiction in the matter, and he does not renounce, application by him for such probate or letters, and any subsequent application in the matter of the estate by him or any other person may be made to the Judge of the Surrogate Court for an adjoining county who shall have the same authority in and about any such application and generally in all matters connected with the estate, as if he were the Judge of the Surrogate Court having jurisdiction, and shall be entitled to the same fees, (to be paid by stamps in case he has commuted), as he would have been entitled to if the application had been made or proceedings taken in the Surrogate Court of which he is Judge. All proceedings shall be carried on in the Surrogate Court having jurisdiction.

Where Surro-
gate Judge is
entitled to
probate, appli-
cation to be
made to
Judge in ad-
joining
county.

CHAPTER 18.

An Act relating to the Jurisdiction of Courts of General Sessions of the Peace.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Jurisdiction limited.

1. No court of general sessions of the peace, or county judge's criminal court, no judge of any county court, no junior or deputy judge thereof, authorized to act as chairman of the general sessions of the peace for the county, no judge of any provisional district, no judge of any district court authorized respectively to act as chairman of the general sessions of the peace, nor any court but the high court of justice or courts of assize, nisi prius, oyer and terminer and general gaol delivery, shall have power to try any treason, any felony punishable with death, or any homicide, or any libel.

Jurisdiction in certain cases under R. S. C. c. 165.

2. The courts of general sessions of the peace, the county judges criminal courts and police or stipendiary magistrates, shall have jurisdiction to try any person for any offence under any of the provisions of sections 28 to 31, both inclusive, of the Revised Statutes of Canada, chapter 165, *An Act respecting Forgery*.

Speedy Trials Act, meaning of, in Rev. Stat. c. 49.

3. Subject to the terms of this Act, the expression "The Speedy Trials Act," in the Revised Statutes of Ontario, chapter 49, shall hereafter mean *The Speedy Trials Act* of the Parliament of Canada, passed since, namely, in the 52nd year of Her Majesty's reign and chaptered 47.

Appointment and dismissal of constables.

4. To prevent misapprehension, it is hereby declared and enacted that the power to appoint and dismiss constables under the Revised *Act respecting Constables* is vested in the Justices of the Peace at the General Sessions of the Peace or any adjournment thereof and not in the Justices of the Peace at any special sessions mentioned in the said Act.

Commencement of Act.

5. This Act shall go into force on the 1st day of July next.

CHAPTER 19.

An Act to amend The Division Courts Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 149 of *The Division Courts Act* is amended by adding at the end thereof the words following:—“ Which security to be given by or on behalf of the appellant, shall be either by a bond to the respondent executed by two persons whether named as sureties or as parties interested or otherwise in the sum of \$100 or such smaller sum as the judge may direct, conditioned that the appellant shall abide by the decision of the cause by the Court of Appeal, and pay all sums of money and costs, as well of the action as of the appeal, awarded and taxed to the opposite party; or by paying into the court appealed from in the manner provided by law, within the time herein limited for the perfecting of an appeal bond, the sum of \$50 or such smaller sum as the judge may direct.”

Rev. Stat.
c. 51, s. 149,
amended.

Security to be
given on
appeals.

2. The said section 149 of the said Act is further amended by adding thereto the following as sub-section 2 thereof:—

Rev. Stat., c.
51, s. 149,
amended.

(2) In case security is given by deposit of a sum of money in court, such sum shall remain in court as security for the payment of all sums of money and costs, as well of the action as of the appeal, awarded and taxed to the opposite party.

CHAPTER 20.

An Act to amend The Jurors' Act.

[Assented to 7th April, 1890]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 140 of *The Jurors' Act* is hereby amended by striking out the words and figures “\$1.50” in the sixth line thereof and substituting therefor the words “two dollars.”

Rev. Stat.
c. 52, s. 140,
amended.

Death or illness of juror during trial.

2. If at the trial of any action or issue or assessment of damages now pending or hereafter brought, a juror should die or become incapacitated by illness or any other cause from continuing to sit or act on the jury, the presiding judge may on such terms as he thinks fit direct the trial or assessment to proceed, and the verdict of the remaining eleven persons shall be as good and valid as if rendered by all the jurors originally empanelled.

CHAPTER 21.

An Act respecting Official Documents when required as Evidence.

[Assented to 7th April, 1890.]

WHEREAS it is desirable to retain documents in their original custody as far as possible:

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Copies of official documents to be filed in lieu of originals.

1. Where in any legal proceeding, a registrar of deeds or a clerk of a county court produces upon a subpoena an original document, such original document is not to be deposited in court, except in the case provided for by section 2 of this Act, but if the instrument or a copy is needed for subsequent reference or use by reason of judgment being postponed or for some other reason, a copy of the document or of so much thereof as the judge deems necessary, certified under the hand of the officer producing the document or otherwise proved, shall be marked and filed as an exhibit in the place of the original where but for this Act the original should be so marked and filed; and the registrar or clerk shall be entitled to receive in addition to his ordinary fees, the fees for any certified copy, the same to be paid to him before the said copy is delivered, marked or filed.

Original to be retained upon order of judge.

2. Where there is a question as to the genuineness of the instrument, and the judge deems it necessary for that or any other reason that the original be retained, and makes an order to that effect setting forth the reason, such order shall be delivered to the registrar or clerk, and the exhibit shall be retained, in court accordingly, and marked and filed as heretofore.

CHAPTER 22.

An Act with respect to the powers of Commissioners for taking Affidavits.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Commissioners for taking affidavits in any county or district in this Province, shall be deemed to have power within such county or district to take statutory declarations in all cases in which statutory declarations may be taken, or may be required under the *The Devolution of Estates Act*, or under any other Act from time to time in force in this Province. Commissioners may take statutory declarations. Rev. Stat. c. 108.

CHAPTER 23.

An Act to provide for Security for Costs in certain actions against Justices of the Peace.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In case an action or other legal proceeding is brought against a police magistrate or other justice of the peace, in respect of any cause of action to which the provisions of the *Act to protect Justices of the Peace and others from Vexatious Actions* is applicable, the defendant may at any time after the service of the writ, apply to the court or to a judge for security for costs. Applications for security for costs in actions against magistrates.

2. The application shall be upon notice and an affidavit by the defendant or his agent, shewing the nature of the action and of the defence, and shewing to the satisfaction of the court or judge that the plaintiff is not possessed of property sufficient to answer the costs of the action in case a verdict or judgment should be given in favor of the defendant, and that he has a good defence upon the merits, or that the grounds of action are trivial. Procedure upon application.

trivial or frivolous; and thereupon the court or judge, in its or his discretion in view of all the circumstances, may make an order that the plaintiff shall give security for the costs to be incurred in such action; security so ordered shall be given in accordance with the practice in cases where a plaintiff resides out of the Province; and the order shall be a stay of proceedings in the action until security is given.

CHAPTER 24.

An Act with respect to Fines and Costs on Summary Convictions.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Collection of penalties imposed upon summary convictions.

1. In case of summary conviction, or of an order made by a justice of the peace, police magistrate or stipendiary magistrate, whereby any fine, penalty, or costs is or are adjudged to be paid by the conviction or order of such justice, police or stipendiary magistrate, the conviction or order shall not be void because of time having been allowed for the payment of the sum, or any part thereof, or because of payment having been received of part of the sum or sums adjudged to be paid; or because of the convicting justice, police or stipendiary magistrate having accepted security for the payment of any such sum, or of any part thereof.

But nothing herein contained shall authorize any justice of the peace, police magistrate or stipendiary magistrate to allow payment by instalments or to give time for payment of such fine, penalty or costs in any case in which he has not heretofore had such authority.

Costs.

2. The sums allowed for costs as provided by *The Act respecting Summary Convictions before Justices of the Peace and appeals to General Sessions*, section 2, sub-section 3 shall be specified in the conviction or order, or order of dismissal, and shall be entered by police and stipendiary magistrates in a separate column or the column for observations in the book required to be kept under the Revised Statute of Ontario respecting returns of convictions by stipendiary and police magistrates; and shall be recoverable in the same manner and under the same warrants as a penalty adjudged to be paid by the conviction or order is to be recovered, and such costs shall extend to and be deemed to.

to include costs and charges of the distress and also the costs and charges of the commitment, and conveying the defendant, or the prosecutor, or the complainant, as the case may be, to prison, the amount thereof being ascertained and stated in such commitment; and this Act is substituted for the said subsection.

3. The provisions for costs and the recovery thereof in the foregoing section shall extend to proceedings on convictions or orders, under the authority of *The Municipal Act* or of by-laws of municipal councils passed thereunder, or where recovery and enforcement of penalties is given in the manner and to the extent of such *Municipal Act*, or of such by-laws; and shall extend to by-laws heretofore passed as well as to future by-laws; but shall not apply to any application heretofore made to quash a conviction.

Provisions ~~as~~ to costs to extend to convictions under Rev. Stat. c. 184.

CHAPTER 25.

An Act to provide for the appointment of Junior and Deputy Judges in Provisional Judicial Districts.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A junior judge may be appointed for the Provisional Judicial District of Algoma.

Appointment of junior judge for Algoma.

2. Where the population of any other Territory now or hereafter forming a Provisional Judicial District exceeds forty thousand, as shewn by an official census, a junior judge may be appointed for such district.

Appointment of junior judges in other districts.

3. The 52nd section of *The Unorganized Territory Act* and the provisions of *The Local Courts Act* with respect to junior judges shall apply to such junior judges as mentioned in the preceding sections.

Rev. Stat. c. 91, s. 52, and Rev. Stat., c. 46, to apply.

4. The powers and authorities exercisable by the senior judge of a Provisional Judicial District to which a junior judge is appointed shall be possessed by and may be executed by the junior judge, subject to the general regulation and supervision of the senior judge.

Powers of junior judges.

5. The provisions of *The Local Courts Act* with respect to deputy judges shall apply to Provisional Judicial Districts in the same manner as to deputy judges of counties.

Provisions of Local Courts Act as to deputy judges to apply to districts.

CHAPTER

CHAPTER 26.

An Act to correct a Clerical Error in the Act to make further provision respecting the Districts of Parry Sound and Muskoka.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

51 V. c. 13, s. 10, sub-s. 1, and 52 V. c. 17, s. 8, amended.

1. Sub section 1 of section 21 of the Act passed in the 51st year of Her Majesty's reign, chapter 13, entitled *An Act respecting Muskoka and Parry Sound*, amended by section 8 of the Act passed in the 52nd year of Her Majesty's reign, chapter 17, entitled *An Act to make further provision respecting the Districts of Parry Sound and Muskoka*, is amended by striking out the word "first" and substituting the word "third" in the fifth line of the said sub-section, and the said sub-section shall be read as follows:—

Sittings of District Court

"(1.) The sittings of the District Court shall be held at the district town on the first Tuesday of the months of June and November of each year, and besides these sittings the District Court of Muskoka and Parry Sound shall hold sittings on the third Tuesday of the month of June, and the third Tuesday of the month of November of each year, at Bracebridge, for trials and assessments by jury, and sittings of the General Sessions of the Peace for Muskoka and Parry Sound shall be held on the same days as the District Court."

CHAPTER 27.

An Act to amend the Law respecting Powers of Sale in Mortgages.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

51 V., c. 15, s. 4, amended.

1. Section 4 of *The Mortgage Amendment Act, 1888*, is amended by adding thereto the following sub-sections:

Proceedings under power of sale in mortgages.

(2) Whenever a mortgage purporting to be made in pursuance of *The Act respecting Short Forms of Mortgages*, being chapter

chapter 107, Revised Statutes of Ontario, 1887, contains a power of sale which provides for a sale without notice, the mortgagee, his heirs, executors, administrators or assigns may take proceedings to sell under and sell and have the benefit of the provisions of part two of *The Act respecting Mortgages of Real Estate*, as fully and effectually as if the mortgage had not contained a power of sale. Rev. Stat., c. 102.

(3) The preceding sub-section shall be held to apply to all mortgages whether heretofore or hereafter made.

CHAPTER 28.

An Act to amend The Partition Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Section 68 of *The Partition Act* is amended by adding the following sub-section thereto :— Rev. Stat. c. 104, s. 68, amended.

(2) In any case where, in the opinion of the inspector of legal offices, such publication is an unnecessary expense, or the expenses would not be justified by reason of the fund or estate being small, the real representative, clerk or other officer aforesaid, upon obtaining the direction of said inspector, may dispense with the publication above provided for upon such terms as said inspector may direct. Dispensing with publication of account of unclaimed moneys.

CHAPTER 29.

An Act to protect persons acting as Executors or Administrators.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Where any one has been or is hereafter appointed, by a court having jurisdiction in that behalf, administrator of the estate of any person who on account of absence for seven years or for any other reason has been presumed to be dead, or where probate of a will made by any such person has been or shall be granted by such court, all acts done under the authority of such appointment, or probate, shall, notwithstanding Protection of executors and administrators of persons supposed to be deceased.

ing it should thereafter appear that the presumption of death was erroneous, be as valid and effectual as such acts would have been had such person been dead; but the person erroneously presumed to be dead shall, subject to the provisions of sections 3 and 4, have the right to recover from the person acting as executor or administrator any part of the estate remaining in his hands undistributed, and no more; and shall, subject to the provisions of the statutes of limitations, be entitled to recover from any one who received any portion of his estate as one of his next of kin, or as a devisee, legatee or heir, or as the husband or wife of such person, the portion so received, or the value thereof.

Protection of personal representatives acting upon supposed intestacy of deceased.

2. Where a will is admitted to probate, or a grant of administration with will annexed, or on account of supposed intestacy, is made by a court having jurisdiction in that behalf, all acts done under the authority of such will or grant of administration shall, notwithstanding it should afterwards appear that the deceased had left a will, or left a will which superseded that of which probate was granted or which was annexed to the said letters, notwithstanding that it appears that the will was not duly executed, or was for any reason invalid, be as valid and effectual as such acts would have been had such will been the last will of the deceased, and had been duly executed and been valid, or in case of administration as on intestacy as valid as such would have been if the deceased had died intestate; but upon the revocation of the grant of probate or administration, the new personal representative of the deceased shall, subject to the provisions of sections 3 and 4, have the right to recover from the person acting as executor or administrator as aforesaid, any part of the estate remaining in his hands undistributed, and no more; and shall, subject to the provisions of the statutes of limitations, be entitled to recover from any one who received any portion of the estate of the deceased as one of his next of kin, or as a devisee, legatee, or heir, or as the husband or wife of the deceased the portion so received or the value thereof.

Costs of executors and administrators.

3. The said executor or administrator shall have the right to retain out of any amount remaining in his hands undistributed, his proper costs and expenses in the administration of the estate.

Persons acting fraudulently.

4. Nothing herein contained shall protect any person acting as administrator or executor where such person has been privy to any fraud by means of which the grant of administration or probate was obtained, or in cases arising under section 1 in respect of anything done after he becomes aware that the person who was presumed to be dead is alive, or that the will was not duly executed or for some other reason was invalid unless the thing so done was in pursuance of a contract for valuable consideration made before the said executor or administrator was aware to the effect aforesaid.

CHAPTER 30.

An Act to amend The Registry Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Registry Law Amendment Act, 1890.* Short title.

2. The 3rd sub-section of the 41st section of the Revised Statute called *The Registry Act*, is amended by inserting after the word "England" in the 13th line of the said sub-section, the words "or in the supreme court of judicature in Ireland." Rev. Stat. c. 114, s. 41, sub-s. 3, amended.

3. Section 60 of the said Act is amended by adding the following sub-section : Rev. Stat. c. 114, s. 60, amended.

(2) It shall be the duty of the registrar or his deputy or clerk appointed for that purpose, to see that all copies of instruments in the registers are true copies, and the registrar or his deputy or clerk shall certify all such copies by writing a memorandum containing the words "examined (date) certified true copy" in the margin opposite each copy in the register, such memorandum to be signed by the initials of the registrar or his deputy or clerk making the examination. When a register is completed, the registrar or his deputy or clerk, as the case may be, shall at the end thereof show by statutory declarations that the copies contained in such register and certified by them respectively, are true copies of the original instruments of which they purport to be copies. Registrar to see that all copies in registers are correct.

4. The said Act is amended by adding the following as sub-section 2 to section 64 thereof : Rev. Stat., c. 114, s. 64, amended.

(2) Where the copy of will or of letters of probate or letters of administration has attached to it, when left or offered for registry, an affidavit or statutory declaration by the executor or administrator to the effect that after making the will the testator conveyed or parted with lands in the will described by local description, and that it was not intended or desired that the registration of the will should affect such lands, and if, in addition, it appears by the registered entries respecting such lands that the testator had parted with all his interest in or title to the said lands, the registrar shall not register, copy or enter the will as an instrument affecting such lands, nor shall he be entitled to any fees for registering Registration of will where testator has made subsequent conveyance of lands.

ing and making entries and certificates in respect thereof, but shall only be entitled to the same fees in respect of the registry of such will as he would have been entitled to, had the will not contained any devise or gift of or reference to such lands by local description.

Rev. Stat. c.
114, s. 84, sub-
s. 1, amended

5. Sub-section 1 of section 84 of the said Act is amended by adding thereto the following words :

Plans to be
mounted.

(a). Every such plan shall be mounted on stiff paste-board of good quality, and in case it exceeds thirty inches in length by twenty four inches in width shall be folded so as not to exceed that size.

(2) This section shall take effect on from and after the first day of July, 1890.

Rev. Stat. c.
114, s. 84,
amended.

6. Section 84 of the said Act is further amended by adding thereto the following sub-section :

Plan index
book.

(5). The inspector shall have power to direct where he deems it necessary that a plan index book shall be kept by the registrar in manner and form directed by the inspector.

Rev. Stat. c.
114, s. 95,
sub-s. 1,
amended.

7. Sub-section 1 of section 95 of the said Act is amended by striking out all the words after "hundred" in the 10th line thereof and substituting the following therefor :—

" And if the said instrument embraces different lots or parcels of land situate in different municipalities in the same county, the registration and copying of such instrument together with all necessary entries and certificates in connection therewith, shall be considered separate and distinct registrations for each municipality in which the land is situate, and shall be paid for as follows : Where the aggregate copying does not exceed 700 words, \$1.40 ; where the aggregate copying exceeds 700 words, the sum of fifteen cents for every hundred words or fractional part thereof up to 1,400 words, in addition to the said sum of \$1.40 ; and where the aggregate copying exceeds 1,400 words the sum of ten cents for every hundred words or fractional part thereof in addition to the above charges ; the said fees shall include all certificates and necessary entries.

Rev. Stat. c.
114, s. 95,
amended.

8. Section 95 of the said Act is amended by adding thereto the following sub-section :

Disputes as to
fees.

(14) Where any dispute arises in regard to any question of fees under this Act, the registrar shall forthwith submit the same to the inspector, and shall thereupon notify the person interested or his agent of such submission, and the decision of the inspector upon the question submitted shall be final, unless appealed from and varied by appeal as hereinafter mentioned. All decisions given by the inspector shall be in writing, and
the

the appeal therefrom shall be in like manner, and subject to the same rules of practice as nearly as may be as an appeal from a master in chambers or local master.

9. Where a power of attorney or any substitution thereof is deposited in an office of land titles, a copy thereof certified by the master, or a local master, may be registered in any registry office in the same manner as a copy of a power of attorney certified by a registrar may be registered under section 51 of *The Registry Act*. Powers of attorney.

10. The 10th section of the *Act respecting Registry Offices*, 52 V., c. 19, being chapter 19 of the Acts passed in the 52nd year of Her Majesty's reign, is amended by inserting after the word "building" in the third line the words "or otherwise." s. 10, amended.

11. The registrars shall transmit to the inspector of registry offices such particulars with reference to the business of such offices as the said inspector may require. Registrars to furnish information to inspector.

CHAPTER 31.

An Act to amend The Custody of Title Deeds Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A receipt for payment of money made on any registered mortgage, bond, agreement, lease or any other registered instrument, may be deposited in the registry office in which the original instrument is registered under the provisions of *The Custody of Title Deeds Act*, but it shall not be necessary to deliver any requisition with the receipt, or to pay any fee for depositing the same or the entries in respect thereof, except the sum of twenty cents. Registration of receipts.

2. The registrar shall receive and file in numerical order all receipts tendered for filing under this Act, and shall endorse thereon the number, the date of filing, and the amount contained in the receipt, and shall write in the margin of the registry book wherein the instrument to which the receipt relates has been registered the words "See receipt No. .". Registrar to receive and enter receipts.

CHAPTER 32.

An Act to further facilitate proceedings under The Land Titles Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as *The Land Titles Amendment Act, 1890*.

Payment to
assurance fund
on registering
possessory
title.

2. Where an applicant for first registration is registered with a possessory title, the contribution payable to the assurance fund shall be one-eighth of one per cent. of the value of the land.

Registration
of part owners

3. Where several persons are registered as owners under section 9 of *The Land Titles Act*, the entry may, if the parties so desire, define the estates, rights and interests, other than trust estates, rights and interests, to which the owners are respectively entitled.

Part owners
may take out
one certificate.

4. Persons entitled to several estates under the preceding section, or owners who are tenants in common or joint tenants, shall be entitled to take out one certificate in respect of the whole estate, or each person may, when the extent of his interest is defined, take out a certificate in respect of his own estate; but in case a certificate for the whole is outstanding, no separate certificate shall be issued till the outstanding certificate is returned and cancelled.

Claims for
dower.

5.—(1) Where it is claimed that registered land is free from dower on account of the land being held in trust, or for some reason other than the wife's release of her dower, and evidence to this effect which appears satisfactory is produced before the master, he may issue a notice requiring the wife who might otherwise seem entitled to dower, to support her right if she claims to be entitled to dower in the land; and in case she fails to do so and to displace the *prima facie* case made, the master may enter in the register a memorandum that the land is free from dower, and such entry, shall, unless reversed on appeal, be a bar to any claim by such wife; and no appeal shall lie, unless the wife files a claim, before the master.

(2) This section shall also apply to the widow of a former owner.

6. A chargee may transfer a part of the sum secured by a charge; and the part so transferred may be given priority over the remaining part, or may be deferred, or may continue to rank equally with it, as may be stated in the transfer.

Transfer of
part of charge.

7. The seizure of a mortgage, charge or leasehold land, registered under the said Act, under any execution or other writ shall not affect the same until the sheriff or other officer has lodged with the proper master of titles a certificate that he has taken such mortgage, charge or leasehold land under an execution against the registered owner thereof; and such certificate shall state the number of the parcel under which the land is registered, and the name of the owner; and shall be noted by the master in the register.

Seizure of
mortgage,
charge or lease
under execu-
tion.

8. Where timber standing upon any land registered under *The Land Titles' Act*, is sold under an agreement in writing, the purchaser, instead of entering a caution, may deposit the agreement with the master or local master of titles; and such master, upon proof of the due execution thereof by the owner, shall register the same as an encumbrance upon the land by entering a memorandum upon the register of the parcel, referring to the instrument and giving shortly the effect thereof.

Sale of stand-
ing timber.

9. After a caution against registered dealing has ceased to have effect, a second caution by the same cautioner, or in respect of the same matter, shall not be lodged, or if lodged shall not be entered, or have any effect without the special permission of the master of titles, which may be given either upon terms or without terms, as he may think proper.

Entry of
second
caution.

10. A certified copy attested by the master's seal of office of any instrument affecting land which may be deposited, filed, kept, or registered in the office of the master of titles, shall be *prima facie* evidence of such instrument, and of the contents thereof; and no master of titles shall be required to produce any instrument as aforesaid, unless where it is made to appear to the judge directing the issue of a subpoena that special reasons exist rendering the production of the original necessary, and the said several reasons are to be stated in the order.

Certified
copies of in-
struments to
be evidence.

11. On its appearing to the satisfaction of a master that a registered lien or claim of lien under *The Mechanics' Lien Act* has ceased to exist by reason of proceedings not having been taken within the time limited in that behalf, the master may make an entry accordingly, or an entry cancelling the registered claim; and the land affected thereby shall thereby be deemed to be released from the claim.

Cancellation
of liens regis-
tered under
*Mechanics'
Lien Act*.

CHAPTER 33.

An Act to provide for the vacating of Certificates of Lis Pendens.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Order vacat-
ing *lis pen-*
dens upon
non-prosecu-
tion of action.

1. Where land or any estate or interest in land is in litigation, and a certificate of *lis pendens* has been registered, and the plaintiff, or other party at whose instance the certificate was issued, does not in good faith prosecute the litigation, the Court or a Judge may at any time during the litigation make an order vacating the certificate of *lis pendens*.

Order where
claim not lim-
ited to land.

2. Where land, or any estate or interest in land, is in litigation, and a certificate of *lis pendens* is registered, the plaintiff's claim is not solely to recover the land, or the estate or interest therein, but is to recover a sum of money or money's worth which is chargeable on or payable out of the land, or some estate or interest therein, or for which he claims that the land or such estate or interest therein ought to be subjected to payment, or where the plaintiff claims the land or some interest in land, and, in the alternative, damages or compensation in money or money's worth, the Court or a Judge may at any time during the litigation make an order vacating the certificate of *lis pendens*, upon such terms as to giving security or otherwise as may be deemed just.

Registration
of orders.

3. The court or judge may at any time annul the said registry upon any other just ground.

Costs.

4. On an application under any of the preceding sections, the court or judge may order any of the parties to the application to pay the costs of any of the other parties thereto, or may make any other order with respect to costs, as under all the circumstances may appear to him to be just.

Appeal
from order.

5. The order for vacating or annulling the certificate of *lis pendens* shall be subject to appeal according to the practice of the High Court in like cases, and may be registered in the same manner as judgments and other orders upon lands are registered, such registration to be on or after the fourteenth day from the date of the order, unless a judge of the High Court reverses the order meanwhile, or postpones or forbids the registration.

6. Where a certificate of *lis pendens* is vacated, any person may deal in respect of the land, as fully as if such *lis pendens* had not been registered, and it shall not be incumbent on any purchaser or mortgagee to enquire as to the facts alleged in the suit, and the rights of such purchaser or mortgagee shall not be affected by his being aware that the allegations made in the suit were in fact made.

Effect of
vacating *lis
pendens*.

CHAPTER 34.

An Act to amend the Act respecting Assignments and Preferences by Insolvent persons.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of the *Act respecting Assignments and Preferences by Insolvent Persons*, is amended by inserting after the word "sheriff" in the third line of said section the words "or for an assignee under an assignment to which sub-section 2 of section 3 of this Act applies."

Rev. Stat.,
c. 124, sec. 6,
amended.

CHAPTER 35.

An Act to amend the Act respecting Mortgages and Sales of Personal Property.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The *Act respecting Mortgages and Sales of Personal Property*, being chapter 125 of the Revised Statutes of Ontario, 1887, is hereby amended by inserting the following as section 15a of the said Act:—

Rev. Stat. c.
125 amended.

15a.—(1) In the case of a mortgage or conveyance of personal property of any company incorporated by or under Imperial Act or charter, or by or under any Act or charter of the Dominion of Canada, or by or under any Act

Affidavits of
bona fides
where mort-
gage given by
company to se-
cure bonds or
debentures.

or charter of the Province of Ontario, made to a bondholder or bondholders or to a trustee or trustees, for the purpose of securing the bonds or debentures of such company, instead of the affidavit of *bona fides* required by the first and second sections of this Act, it shall be sufficient for the purposes of this Act if an affidavit be filed as thereby required made by the mortgagee or one of the mortgagees to the effect that the said mortgage or conveyance was executed in good faith and for the express purpose of securing the payment of the bonds or debentures referred to therein, and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagors, or of preventing the creditors of such mortgagors from obtaining payment of any claim against them.

Time for filing mortgage where head office of company not in Ontario.

(2) In the case of any such conveyance or mortgage made by an incorporated company the head office whereof is not within the Province of Ontario, such mortgage or conveyance may be filed within thirty days instead of five days, as provided in said first section of this Act, and the same shall be of the like force, effect and priority, as if the same had been filed within such five days.

Renewal of mortgages

(3) Any such mortgage may be renewed in the manner and with the effect provided by the 11th and following sections of this Act upon the filing of a statement by the mortgagee or one of the mortgagees exhibiting the interest of the mortgagee or mortgagees in the property claimed by virtue of the said mortgage, and showing the amount of the bond or debenture debt which the same was made to secure, and showing all payments on account thereof which to the best of the information and belief of the person making such statement has been made, or of which he is aware or has been informed, together with an affidavit of the person making such statement that the statement is true to the best of his knowledge, information and belief, and that the mortgage has not been kept on foot for any fraudulent purpose, and such statement shall be filed instead of the statement required by the said section of this Act.

Who may make affidavits and statements on behalf of company.

(4) If any mortgage as aforesaid be made to an incorporated company, the several affidavits and statements herein mentioned may be made by the president, vice-president, manager or assistant manager of such mortgagee company, or any other officer of the company authorized for such purpose.

CHAPTER 36.

An Act to amend the Act respecting Conditional Sales of Chattels

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of the *Act respecting Conditional Sales of Chattels* is amended, by adding thereto the following subsection:—

51 V., c. 19, s. 6, amended.

(2) When the bailee or conditional purchaser resides at the time of the bailment or conditional purchase in an unorganized district, all instruments may, under this section be filed with the officer with whom mortgages and sales of chattels are to be registered in such district, under *The Act respecting Mortgages and Sales of Personal Property*

Filing of instruments in unorganized districts.

Rev. stat. c. 125.

2. This Act shall apply to instruments heretofore filed with the said officer, and this Act and the said *Act respecting Conditional Sales of Chattels* shall be read as part of the said Act respecting mortgages and sales of personal property.

Application of Act.

CHAPTER 37.

An Act to simplify the Procedure for enforcing Mechanics' Liens.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any person claiming a mechanic's lien, may enforce the same by means of the proceedings hereinafter set forth.

Procedure for enforcing liens

2. Without issuing a writ of summons or taking any other preliminary proceeding, the plaintiff may file a statement of claim in the office of a master or official referee having jurisdiction in the county wherein the lands in question are situate.

Statement of claim to be filed.

Affidavit verifying claim, and certificate of filing.

3. Such statement of claim shall be verified by affidavit. Upon the filing of such statement of claim and affidavit, the master or referee shall issue a certificate in duplicate of the filing of the same.

Registration of certificate.

4. Upon the registration of such certificate in the proper registry office, or land titles' office the action shall be deemed to have been commenced as against the owner and all other necessary parties to the action.

Certificate to name time and place for taking accounts.

5. The master or referee shall also in and by such certificate appoint a time and place at which he will inquire into the claim of the plaintiff and take all necessary accounts; such certificate and appointment shall be issued in duplicate, and may be in the form set forth in the Schedule hereto.

Service of copy of certificate and appointment.

6. A copy of such certificate and appointment shall be served on the owner and all other proper parties, at least ten days before the day therein named for taking the first proceeding thereunder.

Notice disputing claim.

7. Within ten days after the service of such certificate and appointment, any person served therewith may file a notice disputing the plaintiff's right to a lien.

Determination of the question raised by notice.

8. In case a notice disputing the plaintiff's lien is filed, the master or referee shall before taking any further proceedings, determine the question raised by the notice, or may adjourn the question before a judge in chambers, and if so required by any parties, may thereupon issue a certificate of his finding.

Entry of finding of master.

9. But if not required to issue such last named certificate, it shall suffice for the master or referee to enter in his book a note of his finding.

Where claim not disputed owner to file statement of amount, if any, admitted to be due.

10. Where no notice disputing the plaintiff's lien is filed as aforesaid, and the proceedings are instituted by a subcontractor, the owner is to file in the office of the master or referee, a statement of account showing what if anything he admits to be due for the satisfaction of the plaintiff's lien and all other liens of the same class as the plaintiff's. Such statement is to be filed at least four days before the day named in the certificate mentioned in section 5 for taking accounts, and in case the owner shall not file such statement, or shall file an untrue statement he may be ordered by the master or referee to pay all costs incurred in establishing the true amount due and owing from him.

Other lienholders to file accounts.

11. All lienholders of the same class served with the appointment, or who may claim to be entitled to the benefit of the action, shall also within four days before the day named

in the appointment for taking accounts, or within such further time as the master or referee may allow, file in the office of the master or referee a statement of account, showing the just and true sum due to them respectively, after giving credit for all sums in cash, merchandise or otherwise to which the debtor is entitled to credit on account of their respective claims, which accounts shall be verified by affidavit, and such accounts and affidavit may be in the form mentioned in the Schedule hereto.

12. A lienholder who has not filed his claim within the time limited by the next preceding section may apply to the master or referee to be let in to prove his claim at any time before the amount realized by the proceedings for the satisfaction of liens has been distributed, and such application may be granted or refused and upon such terms as to costs and otherwise as may appear just.

Lienholder not filing his claim in time may apply to be let in.

13. Upon the return of the appointment to take accounts, the master or referee shall proceed to take an account of what is due from the owner and also what is due to the respective lienholders and incumbrancers who have filed their claims, and shall also tax to them respectively such costs as he may find them entitled to, and shall settle their priorities, and shall make all other inquiries and take all other necessary accounts for the adjustment of the rights of the various parties, including therein where there is a prior mortgage or charge and the holder thereof is a party to the proceedings, the amount by which it shall appear to the master or referee that the selling value of the land has been increased by reason of the work or materials for which a lien is claimed on the land, and shall thereupon make a report of the result of such inquiries and accounts, and shall direct that the money found due by the owner shall be paid into court to the credit of the action, at the expiration of one month from the date of the report.

Master to take accounts, etc., and report.

14. In case any dispute arises as to the amount due from the owner for the satisfaction of the mechanics' liens, or as to the amount claimed to be due to any lienholder or incumbrancer, the costs occasioned by the dispute shall be in the discretion of the master or referee, and shall be borne and paid as he directs.

Costs to be in discretion of master.

15. If nothing is found due by the owner, the master or referee may make an order staying all further proceedings, and make such order as to costs as shall be just, and at the expiration of fourteen days thereafter, may grant a certificate vacating the lien of the plaintiff and all other liens of the same class as the plaintiff's, unless the issue of the certificate shall in the meantime be stayed, and if such stay is granted, the certificate may issue forthwith after the removal of the stay or so soon thereafter as the fourteen days shall expire.

Procedure where nothing found to be due by owner.

Payment of
amount found
due into court.

16. Where anything is found due by the owner he may, on or at any time before the day appointed for payment, pay the amount found due by him into court, and thereupon, upon proof of such payment, the master or referee may grant *ex parte* a certificate in the form in the Schedule vacating the liens of the plaintiff, and all other liens of the same class as the plaintiff's.

Owner's costs
where lien
vacated.

17. The master or referee may make such order as to the owner's costs of obtaining and registering any certificate vacating a lien as may be just.

Registration
of certificate
vacating lien.

18. Upon the registration in the proper registry office or land titles' office of a certificate vacating any lien or liens the same shall be thereupon vacated and discharged.

Distribution
of amount
paid in by
owner.

19. Upon payment into court of the amount which may be found due by the owner the same shall (subject to the payment of any costs thereof as may be ordered) be paid out to the parties found entitled by the report of the master or referee.

Judgment for
sale of land on
default of
owner.

20. In default of payment by the owner within the time directed by the report, the plaintiff may apply *ex parte* to the said master or referee who, upon due proof of the default, may issue a judgment for the sale of the land in question for the satisfaction of the lien of the plaintiff and other liens of the same class.

Form of judgment.

21. The judgment for sale may be in the form set forth in the Schedule.

Entry of judgment.

22. Such judgment for sale shall be entered as other judgments are required to be entered, in the proper office for entering judgments in the county in which the judgment is made, and shall have the same force and effect as a judgment made at the trial of an action between the same parties.

Conduct of
sale.

23. The sale under said judgment shall be conducted in the manner prescribed by the Consolidated Rules respecting sales had under the order of the court.

Master to
make report
on sale and
tax costs.

24. After the sale the master or referee shall make his report upon the sale, and shall tax the costs of the sale to the party entitled thereto, and shall in the same report apportion the moneys realized among the parties entitled thereto, and upon the confirmation of the report the moneys realized may be paid out of court to the parties found entitled thereto by the report, without further order.

Plaintiff to
represent lien-
holders in pro-
ceedings for
sale.

25. For the purpose of the proceedings to obtain an order for sale and for carrying out the sale and the apportionment of the moneys realized thereunder, the plaintiff shall be deemed

deemed sufficiently to represent all other lienholders entitled to the benefit of the action, unless the court or master or referee otherwise orders.

26. Any lienholder entitled to the benefit of the action may apply for the carriage of the proceedings, and the master or referee may thereupon make such order as to costs and otherwise as may be just, and any lienholder who obtains the carriage of the proceedings shall in respect of all proceedings taken by him be deemed to be the plaintiff in the action. Carriage of proceedings.

27. Any person affected by the proceedings may apply to the master or referee to dismiss the same for want of due prosecution, and the master or referee may make such order upon the application as to costs or otherwise as may be just. Dismissal of proceedings for want of prosecution.

28. Where any infants are named as defendants the appointment referred to in section 5 may be served upon the official guardian *ad litem* for such infants, who shall thereupon become and be the guardian *ad litem* for such infant in the proceedings; and it shall not be necessary to serve any such infant defendant with any further or other proceedings, and such infant shall be bound thereby. Official guardian to be served for infants.

29. Where the taxed costs of the proceedings to enforce any mechanic's lien which are payable out of the amount realized by such proceedings for the satisfaction of the lien shall exceed 25 per cent. of the amount realized thereby for the satisfaction of the lien, such costs shall be reduced proportionately by the master or referee, so as the same shall not in the aggregate exceed the said 25 per cent., and no more costs than such reduced amount shall be recoverable between party and party, or solicitor and client. Costs not to exceed 25 per cent. of amount realized.

30. After the amount of the lien shall be realized any lienholder who has proved a claim may apply to the said master or referee upon notice to his primary debtor for judgment for the payment of any balance which may remain due after deducting the amount received or payable in respect of the lien, and thereupon the master or referee may refuse the application upon such terms as to costs or otherwise as may be just, or in case he sees fit to grant the application he shall grant a certificate of the amount for which he finds the applicant is entitled to judgment for debt and costs. Judgment for balance after realizing amount of lien.

31. Such certificate may be filed in the proper office of the High Court for the entry of judgments if the amount awarded exceeds the sum of \$400, and the same shall thereupon be entered in the judgment book, and shall thereupon become a judgment of the High Court, and may be enforced in like manner as any other judgment for the payment of money is enforced in the High Court. When judgment to be entered in High Court.

and when in
county court ;

32. Where the amount awarded by the certificate is less than \$400 but exceeds \$100, such certificate may in like manner be entered in the County Court of the county in which the said proceedings are carried on, and may be enforced in like manner as a judgment of such court.

and when in
division court.

33. Where the amount awarded does not exceed \$100 the certificate may be entered with the clerk of the Division Court of the division in which the debtor resides in like manner as a judgment of such court is entered, and thereupon the same shall become and be a judgment of such court, and may be enforced in like manner as any other judgment of such Division Court.

Fees for enter-
ing certifica

34. The fees payable for entering such certificate as a judgment shall be as follows :—

In the High Court.....	\$1.60
In the County Court. ....	.80
In the Division Court .....	.50

Appeals.

35. Orders and certificates made by a referee or master under the Act shall be appealable in like manner as orders made in Chambers by a local judge.

Act not to
affect sum-
mary enforce-
ment of me-
chanics' liens.

36. This Act shall not in any way affect, alter or diminish the jurisdiction or procedure of the County Courts and Division Courts for enforcing mechanics' liens in a summary manner as provided by the 28th section of *The Mechanics' Lien Act*, save in so far as sub-section 1 of section 30 of the said Act is hereby amended.

Costs where
action impro-
perly brought
in High Court.

37. Where an action to enforce a mechanics' lien is brought and prosecuted in the High Court of Justice, otherwise than in the manner prescribed by this Act, no more costs shall be taxed or allowed to the plaintiff than would be incurred by proceeding in the manner prescribed by this Act, unless the court or judge otherwise orders.

Proceeding
under Act
to be deemed
an action.

38. A proceeding under this Act shall be deemed to be an "action."

Rev. Stat. c.
126, s. 30 (1)
amended.

39. Sub-section 1 of section 30 of *The Mechanics' Lien Act* is amended so as to read as follows :—

Action by
one of several
lienholders to
be for joint
benefit.

30.—(1) Any number of lienholders may join in one action or summary proceeding, and any action or summary proceeding brought by a lienholder shall be taken to be brought on behalf of all the lienholders of the same class who shall have registered their liens before or within fourteen days after the commencement of the action, or who shall within the said fourteen days or within such further time as may be allowed for that purpose file in the proper office of the court where the pleadings

pleadings are required to be filed (where the action has been commenced by writ), or in the office where the proceedings are being carried on (where they are being prosecuted in a summary manner) a statement entitled in or referring to the said action of their respective claims.

40. This Act shall be read as part of *The Mechanics' Lien Act* subject to the provisions of this Act.

Act incorporated with
Rev. Stat. c.
126.

SCHEDULE OF FORMS.

FORM 1.

AFFIDAVIT VERIFYING CLAIM.

Style of Court and Cause.

I, _____, make oath and say, that I have read (or heard read) the foregoing statement of claim, and I say that the facts therein set forth are to the best of my knowledge and belief true, and the amount claimed to be due to me in respect of my lien is the just and true amount due and owing to me after giving credit for all sums of money or goods or merchandise to which the (*naming the debtor*) is entitled to credit as against me.

FORM 2.

CERTIFICATE AND APPOINTMENT TO BE SERVED.

Style of Court and Cause.

I certify that the above-named plaintiff claiming to be a contractor with the defendant (*naming the owner*) [*or (a subcontractor of the defendant A.B.) who is (or claims under C. D.) a contractor with (naming the owner)*] has filed in my office a statement of his claim to enforce a mechanic's lien against (*describe the lands*).

And take notice, that I will at my office, at the town of _____, in _____, proceed on _____, the _____ day of _____, to determine whether the plaintiff is entitled to the lien in case his right thereto is disputed, and on the _____ day of _____ I will, in case his right is undisputed, or if disputed is established before me, _____ proceed and take all necessary accounts and tax costs for the purpose of enforcing such lien, and if you do not attend at the time and place appointed and prove your claim, if any, the proceedings will be taken in your absence, and you may be deprived of all benefit of the proceedings.

FORM 3.

NOTICE DISPUTING PLAINTIFF'S RIGHT OF LIEN

Style of Court and Cause.

I dispute that the plaintiff is now entitled to a mechanics' lien on the following lands (*setting forth grounds shortly*):—

(a) That the lien has not been prosecuted in due time as required by statute.

(b) That there is nothing due to the plaintiff.

(c) That the plaintiff's lien has been vacated and discharged.

(d) That there is nothing due by A. B. (*the owner*) for the satisfaction of the plaintiff's claim.

(*Signature of defendant in person, or his solicitor*).

This notice is filed by A. B., defendant, in person, and my address for service is (*stating address, within two miles of office of master or referee*) or, This notice is filed by Y. Z., of _____ solicitor for the defendant A. B.

FORM 4.

STATEMENT OF ACCOUNT TO BE FILED BY OWNER.

Style of Court and Cause.

Amount of contract price for work contracted to be performed by A. F. as plumber on the lands in question herein..... \$500 00

Amounts paid on account—

June 1, 1889, paid E. F... \$200 00

July 5, 1889, " G. H. and

B. K., sub-contractors of

E. F 100 00

300 00

Balance admitted to be due..... \$200 00
for satisfaction of lien of plaintiff and other
lienholders of same class as plaintiff.

FORM 5.

AFFIDAVIT OF OWNER VERIFYING ACCOUNT.

Style of Court and Cause.

I, *A. B.*, of _____ being the owner of the lands in question in this action, make oath and say: I have in the foregoing account (*or* account now shewn to be marked A) set forth a just and true account of the amount of the contract price agreed to be paid by me to *E. F.* for the work contracted to be done by him on the lands in question.

I have also justly and truly set forth the payments made by me on account thereof, and the persons (*or* person) to whom the same were made. And the balance of (\$200.00) appearing by such account to be still due and payable is the just and true sum now due and owing by me in respect of my contract with the said *E. F.*

Sworn etc.

FORM 6.

STATEMENT OF ACCOUNT BY LIENHOLDER.

Style of Court and Cause.

<i>E. F.</i>	<i>Dr. to G. H.</i>
1889.	
Jan. 1—To 12 doz. brackets.....	\$12 00
Feb. 3—“ 50 lbs of nails	5 00
Oct. 3—“ 40 sheets of glass	40 00
	<hr/>
	\$57 00
1889.	<i>Cr.</i>
Feb. 4—By cash.....	\$ 4 00
June 5—“ goods	20 00
	<hr/>
	\$24 00
	<hr/>
	\$33 00

FORM 7.

AFFIDAVIT OF LIENHOLDER VERIFYING CLAIM

Style of Court and Cause.

I, *G. H.*, of (*address and occupation*)
make oath and say

I have in the foregoing account (*or* in the account now shown to me marked A) set forth a just and true account of the amount due and owing to me by *E. H.*, (*the owner*) (*or* by *E. F.*,

E. F., who is a contractor with the defendant *L. G.*, (*the owner*) of the lands in question, and I have in the said account given credit for all sums in cash or merchandise or otherwise to which the said *E. F.* is justly entitled to credit in respect of the said account and the sum of (\$33 00) appearing by such account to be due to me as the amount (*or balance*) of such account is now justly due and owing to me.

Sworn, etc.

(*Address of claimant or his solicitor for service to be stated at foot is in Form No. 3.*)

FORM 8.

JUDGMENT FOR SALE.

Style of Court and Cause.

Date

Upon motion of the aforesaid plaintiff and upon hearing read the statement of claim the report made herein on the day of and the certificate of the accountant

It is ordered and adjudged that the lands in question (*describe the lands*) be forthwith sold with the approbation of (the master of this court at or *W. X.*, Esq., an official Referee of this court at)

That the purchase money be paid into court to the credit of this action.

That all proper parties do join in the conveyances to the purchasers as the said (*master or referee*) may direct.

That the proceeds of the said sale be paid out of the court to the parties who may be found entitled by the said (*master or referee*).

Signed this day of A.D. 18

(*Signature of master or referee.*)

Entered this day of A.D.

(*Signature of officer in whose office judgment is entered.*)

FORM 9.

CERTIFICATE VACATING LIEN.

Style of Court and Cause.

Date

I certify that the defendant *A. B. (the owner)* has paid into court to the credit of this cause all money due and payable by him for the satisfaction of the liens of the plaintiff and *E. F., G. H., I. J. & K. L.*, and their liens are hereby vacated and discharged so far as the same affect the following lands (*describe lands*).

(Signature of master or referee.)

FORM 10.

CERTIFICATE VACATING LIEN.

Style of Court and Cause.

Date

I certify that I have inquired and find that the plaintiff is not entitled to any mechanics' lien upon the lands of the defendant *A. B. (the owner)* and that his claim of lien is hereby vacated and discharged so far as the same affects the following lands (*describe lands*).

(Signature of master or referee.)

FORM 11.

CERTIFICATE FOR JUDGMENT FOR BALANCE AFTER REALIZATION OF LIEN.

Style of Court and Cause.

Date

Upon the application of *A. B.* on due notice to *C. D.* I do certify that *A. B.* is entitled under the provision of the Act to recover against *C. D.* \$ debt and \$ costs, and that upon filing of this certificate in the proper office of (this Court or the County Court of the county of or the 1st Division Court of the county of) he is entitled to enforce the same as a judgment of that court.

CHAPTER 38.

An Act to amend The Mechanics' Lien Act,

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.
126, s. 7,
repealed.

1. Section 7 of *The Mechanics' Lien Act* is repealed, and the following substituted therefor:—

Amount which
owner may
retain after
completion of
contract.

7. The owner shall, in the absence of a stipulation to the contrary, be entitled to retain, for a period of thirty days after the completion of the contract,

(a) Fifteen per centum of the price to be paid to the contractor, where such price does not exceed \$1,000.

(b) Twelve and a half per centum of the price to be paid to the contractor, where such price is more than \$1,000 but does not exceed \$5,000; and

(c) In all other cases ten per centum of the price to be paid to the contractor.

Rev. Stat., c.
126, s. 9,
amended.

2. Section 9 of the said Act is amended by adding thereto the following as sub-section 4 thereof:—

Payments
necessary to
discharge lien
where total
amount of
contract not
more than
1,000:

(4) Where the total price to be paid, or contracted or agreed to be paid for the whole of the work, machinery or materials, as so defined by section 4 of this Act, does not exceed \$1,000, the three preceding sub-sections of this section shall be read as if the word "ninety" was omitted therefrom, and the words "eighty-five" inserted instead thereof, and as if the word "ten" was omitted therefrom and the word "fifteen" inserted instead thereof; and where the said total price exceeds \$1,000, but does not exceed \$5,000, the said first three sub-sections shall be read as if the word "ninety" was omitted therefrom and the words "eighty-seven and a half" inserted instead thereof, and as if the word "ten" was omitted therefrom and the words "twelve and a half" inserted instead thereof.

Where more
than \$1,000
and less than
5,000.

CHAPTER 39.

An Act respecting Contracts of Life Insurance.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1). Section 1 of chapter 136 of the Revised Statutes of Ontario, 1887 (hereinafter called "The Principal Act") is amended by inserting after the word "insurance" in the second line, the words "in writing." Rev. Stat., c. 136, s. 1, amended.

(2) In the principal Act and in this Act "maturity of the policy" or "maturity of the contract" means the happening of the event or the expiration of the term at which the benefit under the policy or contract accrues due. "Maturity of the policy," meaning of.

2. Section 5 of the principal Act is amended by striking out the word "married" in the first line, and by adding to the section the following sub-section:— Rev. Stat., c. 136, s. 5, amended.

(2) In the case of a policy or written contract of life insurance effected before marriage, a declaration under this section shall be, and shall be deemed to have been as valid and effectual as if such policy or contract had been effected after marriage, but nothing herein contained shall affect any action or proceeding now pending.

3. (1) When a contract of life insurance is effected by an unmarried man, for the benefit of his future wife, or future wife and children, but the contract does not designate by name, or otherwise clearly ascertain a specific person as such intended wife, the contract (not being within the intent of sub-sections 2 or 3 hereof,) shall be construed as provided in section 7 of the principal Act. Insurance for benefit of future wife.

(2) When a contract of life insurance is effected as in sub-section 1, but at the maturity of the contract, the insured is still unmarried, or is a widower without issue, the insurance money shall fall into, and become part of the estate of the insured.

(3) When a contract of life insurance is effected by an unmarried man, for the benefit of his future wife, or future wife and children, and the intended wife is designated by name, or is otherwise clearly ascertained in the contract of life insurance, but the intended marriage does not take place, all questions arising on such contract shall be determined as if this Act had not been passed.

Insurance effected by woman for benefit of husband and children.

4.—(1) A policy or written contract of life insurance effected by any woman on her own life, and expressed to be for the benefit of her husband and children, or any of them, shall be deemed a trust in favor of the objects therein named, and the moneys payable under such policy shall not, so long as any object of the trust remains unperformed, form part of the estate of the deceased, or be subject to her debts.

Such insurance to follow the law of insurance for wife and children.

(2) Whatever under the principal Act a man may lawfully do in respect of insurance effected upon his life, may also under the like circumstances be done by a woman in respect of insurance effected upon her life; and the like rules of construction shall prevail.

Life insurance for benefit of mother.

5. Any person, either by the original contract of life insurance, or by indorsement thereon or otherwise, as provided in section 6 of the principal Act, may make his or her mother a beneficiary, or the sole beneficiary, under the contract, and may, as in the said section provided, vary the apportionment; and such contract shall create a trust in favour of the mother accordingly; and the moneys payable to the mother under any such contract shall not, so long as the trust remains unperformed, form part of the estate of the insured or be subject to his or her debts.

Insurance moneys to be a trust for the mother.

Rev. Stat., c. 136, s. 6, sub-s. 1, amended.

6. Sub-section 1 of section 6 of the principal Act as amended by section 3 of chapter 22 of the Acts passed in the 51st year of Her Majesty's reign is hereby amended by striking out all the words down to and including the word "alone" in the seventh line thereof and substituting therefor the following:—

"The insured may by an instrument in writing attached to or indorsed on, or identifying the policy by its number or otherwise, vary a policy or a declaration or an apportionment previously made so as to restrict or extend, transfer or limit the benefits of the policy to the wife alone or the children, or to one or more of them, although the policy is expressed or declared to be for the benefit of the wife and children or of the wife alone, or for the child or children alone, or for the benefit of the wife for life, and of the children after her death, or for the benefit of the wife, and in case of her death during the life of the insured then for the child or children or any of them."

Rev. Stat. c. 136, s. 25, amended.

7. (1) Section 25 of the principal Act is hereby amended by inserting after the word "where" in the first line thereof the words "any policy of insurance or," and by inserting after the words "attach to" in the said first line thereof the words "or identifying by its number or otherwise."

Section to be retrospective.

(2). This section shall apply to policies heretofore issued, as well as to future policies.

8. Section 4 of the said chapter 22, passed in the 51st year ^{51 V., c. 22, s. 4, amended.} of Her Majesty's reign, is amended by inserting the words "variation or" after the word "of" in the third line of the said section.

9. Section 1 of chapter 172 of The Revised Statutes of Ontario, 1887, is amended by adding thereto this proviso:— ^{Rev. Stat., c. 172, s. 1, amended.}

"Provided that no company, society, association or organization incorporated under this Act, after the tenth day of March, 1890, shall have authority to undertake or effect for valuable consideration, or to agree or offer so to undertake or effect any contract of insurance, indemnity or guarantee whatsoever, with the members of the corporation or with others, or any contract within the intent of *The Ontario Insurance Act*, or of chapter 136 of these Revised Statutes; and the expression 'offer to undertake contracts' shall have the same meaning as in *The Ontario Insurance Act*; and any person contravening this section shall be liable to the penalty imposed by section 56 of *The Ontario Insurance Act*, which penalty shall be enforced and applied as in the said 56th section enacted.

Proviso.

"Provided also that no company, society, association or organization, incorporated under this Act on or before the said tenth day of March, and not authorized by its original certificate or declaration of incorporation to undertake such contracts as aforesaid, shall by virtue of section 19 of this Act or otherwise have authority to change the purposes of the corporation so as to include the undertaking of such contracts as aforesaid.

Proviso.

10—(1) If after a reasonable time has been given to the corporation to be heard, it appears to the Lieutenant-Governor in Council that any body incorporated under the provisions of the *Act respecting Benevolent, Provident and other Societies* is using its corporate powers for any fraudulent or other unlawful purpose, it shall be lawful for the Lieutenant-Governor in Council to suspend for a limited period, or to revoke the said corporate powers, and on any revocation the corporate powers shall *ipso facto* absolutely cease and determine, except for the sole purpose of winding up the affairs of the corporation; and the High Court upon the petition of the Attorney-General or of any person interested, may by judgment or order limit the time within which the corporation shall settle and close its accounts, and may for this specific purpose, or for the purpose of liquidation generally, appoint a receiver.

Unlawful use of corporate powers.

Suspension or revocation of powers.

(2) Notice of any suspension or revocation of corporate powers as aforesaid shall be given in the *Ontario Gazette*, and in such public newspapers as the Lieutenant-Governor in Council shall determine.

Public notice.

11—(1). If during the suspension, or after the revocation of its corporate powers, any director, officer, agent, employee or other ^{Penalty for transacting business during}

ing suspension
or after revo-
cation of
powers.

other person acting, or purporting to act, in behalf of the body theretofore incorporated, undertakes or effects for valuable consideration, or agrees or offers so to undertake or effect any contract of insurance, indemnity or guarantee whatsoever, whether with the members of the corporation or with others, or any contract within the intent of *The Ontario Insurance Act*, or of chapter 136 of the Revised Statutes of Ontario, 1887, such person shall be liable to the penalty imposed by section 56 of *The Ontario Insurance Act*, which penalty shall be enforced and applied as in the said 56th section enacted; and the expression "offer to undertake contracts" shall have the same meaning as in *The Ontario Insurance Act*.

Second or
subsequent
conviction.

(2). Upon a second or subsequent conviction during a period of suspension, or after revocation of the corporate powers, the offender shall be liable to imprisonment with or without hard labor in any gaol or prison of the Province for a period not exceeding six months, in the discretion of the court wherein he is convicted.

Who may take
depositions
under Act.

12. For the purposes of the next preceding three sections depositions may be taken and made before any justice of the peace, notary public, or commissioner in the High Court for taking affidavits.

Construction
of 51 V. c.
22.

13. The Act passed in the 51st year of Her Majesty's reign and chaptered 22 shall not be held to relieve from the obligation of being licensed, nor to relieve from the consequences of transacting business while unlicensed, any corporation which before the passing of the said Act was required by *The Ontario Insurance Act* to be licensed, before undertaking any contract within the intent of *The Ontario Insurance Act*.

CHAPTER 40.

An Act to amend The Trades Arbitration Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.
140, s. 28,
repealed.

1. Section 28 of *The Trades Arbitration Act* is hereby repealed and the following section substituted therefor.—

Masters and
workmen may
authorize
Board to
establish rate
of wages.

28. The masters and workmen making the agreement or memorandum mentioned in section 3 of this Act may by such memorandum or agreement authorize the said Board to establish a rate of wages or price of labor or workmanship at which the workmen shall in future be paid.

CHAPTER

CHAPTER 41.

An Act respecting the Profession of Architects.

[Assented to 7th April, 1890.]

WHEREAS it is deemed expedient for the better protection Preamble.
of the public interests in the erection of public and private buildings in the Province of Ontario, and in order to enable persons requiring professional aid in architecture to distinguish between qualified and unqualified architects, and to ensure a standard of efficiency in the persons practising the profession of architecture in the Province, and for the furtherance and advancement of the art of architecture;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Ontario Architects' Act.*" Short title.
2. All persons who shall cause their names to be registered Incorporation of Ontario Association of Architects.
under the provisions of this Act, shall be, and are hereby incorporated under the name and style of "The Ontario Association of Architects," hereinafter referred to as "The Association."
3. The Ontario Association of Architects shall be a body Corporate powers.
corporate by the name aforesaid, having a perpetual succession and a common seal, with power to acquire, hold and dispose of personal and real estate, for the purposes of this Act, and to sue and be sued, in the manner usual with such corporations.
4. Every person registered under the provisions of this Act, Who may become members.
shall be a member of the said association.
5. There shall be a council of management of the said association, to be appointed in the manner provided for in this Act, Council of management.
and hereinafter referred to as "The Council."
- 6.—(1) The council shall be composed of nine persons, who shall Council, how composed.
in the first instance be appointed by the Lieutenant-Governor in Council within one month after the passing of this Act, and shall be British subjects, both residing and practising the profession of architecture within the said Province for at least ten years before the passing of this Act. The members of said council so appointed shall meet in the city of Toronto, in the county of York, for the purpose of organization within one month after appointment, at such time and place as may be directed by proclamation in the *Ontario Gazette*.

- (2). Any five members of the council shall form a quorum. Quorum.

Terms of office of first members of council.

7. The members of the council so appointed by the Lieutenant-Governor in Council, shall hold office for the following terms respectively: the first three names mentioned for the term of three years; the second three names mentioned for the term of two years; the third and last three names mentioned for the term of one year.

Subsequent appointments of members of council.

8. All subsequent members of the council shall be elected by ballot, in such manner as may be provided for by the by-laws of the association, at the annual meeting of said association, or at a special meeting called for that purpose; and the member, or members, obtaining the greatest number of votes shall be declared elected.

Qualification of members of council.

9. No person shall be eligible for election to the council, or qualified to fill any vacancy thereon, or to vote for any member thereof unless duly qualified under the provisions of this Act and the by-laws of the association.

Term of office.

10. All elected members of the council shall hold office for the term of three years, except as hereinafter provided, and five shall form a quorum.

Vacancies, how filled.

11.—(1) In case of the resignation or death of any member or members of the council not exceeding four, the other members of the council shall have power to fill all vacancies so caused, until the time of the holding of the next annual meeting, provided said annual meeting is not to be held within a period of three months of the occurring of such vacancy or vacancies.

(2) In case of the resignation or death of five or more members of the council, the president or vice-president of the association, or in case of their, or either of their default for a period of ten days, any five members in good standing, shall have power to call a special meeting of the association upon a notice of not less than ten days, for the purpose of filling the vacancies so caused.

(3) In case of an election to fill the vacancies referred to in sub-sections 1 and 2, the member receiving the greater number of votes shall be considered the member elected to fill the vacancy which will require the longer term to expire, and so on until the vacancies are filled.

Proceedings where election disputed.

12. In case of any doubt or dispute as to who has or have been elected a member or members of the council, or as to the legality of the election of any member or members of the council, it shall be lawful for the other duly elected members to be, and they are hereby constituted a committee to hold an enquiry and decide who, if any, is, or are, the legally elected member or members of the council, and the person, or persons, if any, whom they decide to have been elected shall be

be and be deemed to be the member, or members legally elected, and if the election is found to have been illegal, the said committee shall have power to order a new election.

13. Meetings of the association and the council shall be held at such times and places as may be fixed by the by-laws of the association or council respectively; and in the absence of any rule or regulation as to the summoning of meetings of the association, or of the council, it shall be lawful for the president, or in the event of his absence or death, for the registrar, to summon the same at such time and place as to such officer seems fit, by circular letter to be mailed to each member.

Power to regulate meetings of council and association.

14. In the event of the absence of the president from any meeting, either of the vice-presidents, or in their absence, some other member to be chosen from among the members present, shall act as president.

Who to preside at meeting.

15. All questions submitted to the association, or the council, shall be decided by a majority of the members present, not being less than five in number in case of the council, and twenty in case of the association.

Majority to decide questions.

16. At all meetings the president for the time being shall have only a casting vote.

Casting vote.

17. There shall be paid to the members of the council such fees for attendance, and such reasonable travelling expenses as may be fixed by by-law passed by the association at the annual meeting.

Payment of expenses of councillors.

18. The council shall annually elect from among its members a president and two vice-presidents, and shall appoint a registrar, treasurer, solicitor and such other officers as may be necessary for the working of this Act, who shall hold office during the pleasure of the council, and who shall, as well as being officers of the council, hold the like position as officers of the association.

Election of officers.

19. The council shall have power to fix by by-law the salaries or fees to be paid to such officers, and to the board of examiners hereinafter appointed.

Salaries.

20. The council shall have power and authority;

(1) To appoint an examiner, or examiners, for the purpose of ascertaining and reporting upon the qualification,

Powers of council.
Examiners.

(a) Of all persons who shall present themselves for admission and enrolment as students at any of the matriculation, preliminary, intermediate or final examinations.

Admission of students, etc. (2) To make all necessary rules, regulations and by-laws respecting the admission and registration of students, the periods and conditions of study, and the enrolment of architects as members of the association and all matters relating to the discipline and honor of the profession.

Fees. (3) To regulate and fix the annual and admission fees payable by architects and students, and to make all rules, regulations, and by-laws, necessary for the proper working or carrying out of the provisions of this Act.

Diplomas of foreign institutions. (4) To enact by-laws as to the terms upon which it will receive the matriculation or other certificates of colleges and other institutions not in the Province of Ontario.

Matriculants in arts not required to pass preliminary examination. 21. Any student who has matriculated in arts in any university in Her Majesty's dominions, or in the Ontario School of Practical Science, shall not be required to pass the preliminary examination.

Registration of present practitioners. 22.—(1) Any person practising the profession of architecture within this province, on the coming into force of this Act, may become a member of the association, by causing his name to be registered with the registrar of the association within three months from the appointment of such registrar, and by paying to the registrar such fees as may by by-law or otherwise be made payable in that behalf.

(2) In case any such person as aforesaid, omits to be registered within said period of three months, through absence, illness, or inadvertence, such person may, at the discretion of the council be admitted to enrolment as an architect.

Admission of other persons. 23. Any other person who applies for admission to registration as an architect after the coming into force of this Act, shall be not less than twenty-one years of age, and shall have served as a student not less than five years with a principal or principals entitled to register under this Act, or with any other principal or principals approved by the council and have passed such qualifying examinations as may be required by this Act.

Admission of students to practice. 24.—(1) All students desirous of entering the profession of architecture shall be presented by a member of the council, and shall cause their full names to be entered with the registrar and shall pay such fees, and submit to such examinations as shall be necessary in that behalf; provided that any person who, before the passing of this Act, was entered as a student for a shorter term than five years, but not less than three years, with a principal or principals qualified to be registered under this Act, or with any other principal or principals approved by the council shall, on serving the full term of his indenture and passing the examinations prescribed by the council, be entitled to register under this Act.

Proviso.

(2) Notice and evidence of existing studentship shall be given to the registrar within six months after the passing of this Act, and shall be accompanied with such fee as the council shall from time to time direct, and with properly executed articles of indenture for the said term.

(3) Any person who has graduated from the Ontario School of Practical Science shall be required to serve only three years as a student, one of which three years may be served during the vacations of such school.

(4) Upon and after the passing of this Act, students shall serve such term as is required to be served by the provisions of this Act, under indenture, to a registered architect, which indenture and any assignment thereof with affidavit of execution thereto attached shall be filed with the registrar upon payment of such fee as the council may by regulation direct.

25. From and after the first day of July, 1890, no person shall be entitled to take or use the name or title of "Registered Architect," either alone or in combination with any other word or words, or any name, title, or description, implying that he is registered under this Act, unless he be so registered. Any person, who, after the above date, not being registered under this Act, takes or uses any such name, title, or description, as aforesaid, shall be liable, on summary conviction, to a fine not exceeding \$25 for the first offence, and not exceeding \$100 for each subsequent offence.

Penalty for using title of architect while unregistered.

26. The registrar of the council shall, in every year, cause to be printed, published, and kept for inspection at his office, free of charge, under the direction of the council, a correct register of the names, in alphabetical order according to the surnames, with the respective residences, in the form set forth in schedule A to this Act, or to the like effect, of all persons appearing on the general register on the first day of January in every year, and such register shall be called "The Architects' Register," and a copy of such register for the time being purporting to be so printed and published as aforesaid, shall be evidence in all courts, and before all justices of the peace and others, that the persons therein specified are registered according to the provisions of this Act; provided always, that in case of any person whose name does not appear in such copy, a certified copy under the hand of the registrar of the council, of the entry of the name of such person in the register, shall be evidence that such person is registered under the provisions of this Act.

Register of practitioners to be kept.

27. If the registrar shall wilfully make, or cause to be made, any falsification in any matters relating to the register, he shall be deemed to be guilty of a misdemeanor, and shall, on conviction thereof, be imprisoned for any term not exceeding twelve months.

Penalty for registrar falsifying register.

Penalty for
procuring false
registration.

28. Any person who wilfully procures, or attempts to procure registration under this Act by making, or producing, or causing to be produced, or made any false or fraudulent representation, or declaration, either verbally or in writing, that he is entitled to such registration, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be sentenced to imprisonment for any term not exceeding twelve months.

Witness fees
of architects.

29. There shall be paid to every registered architect summoned to attend any court, civil or criminal, for the purpose of giving evidence in his professional capacity, or in consequence of professional services rendered by him as an architect, for each day he so attends, in addition to his travelling expenses (if any), and to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such court the same fee or allowance as is payable to provincial land surveyors.

Recovery of
fees and col-
lection of
penalties.

30.—(1) All fees payable under this Act may be recovered as ordinary debts due to the association, and all penalties under this Act may be recovered and enforced before one or more justices of the peace, in manner directed by the Revised Statutes of Canada, chapter 178, entitled *The Summary Convictions Act*, and any Act amending the same.

(2) Any sum or sums of money arising from conviction and recovery of penalties as aforesaid, shall be paid immediately upon the recovery thereof by the convicting magistrate to the registrar of the council.

(3) Any person may be prosecutor or complainant under this Act, and the council may allot such portion of the penalties as may be expedient towards the payment of such prosecutor.

Service of
notices.

31. Subject to the other provisions of this Act, all notices and documents required by or for the purposes of this Act to be sent, may be sent by post, and shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of the mail, and in proving such sending it shall be sufficient to prove that the letter containing the notice or document was prepaid and properly addressed and put in the post. Such notices and documents may be in writing, or in print, or partly in writing and partly in print, and when sent to the council or other authorities shall be deemed to be properly addressed if addressed to the said bodies or authorities, or to some officer of the council or authority at the principal place of business of the council or authority, and when sent to a person registered under this Act, shall be deemed to be properly addressed if addressed to him according to his address registered in the register of the association.

Application of
funds.

32. All moneys arising from fees payable on registration or the annual renewal fees, or from the sale of copies of the register,

ter, or otherwise, shall be paid to the registrar of the council, and by him paid over to the treasurer, to be applied in accordance with such regulations as may be made by the council for defraying the expenses of registration and the other expenses of the execution of this Act, and subject thereto towards the support of museums, libraries, or lectureships, or for other public purposes connected with the profession of architecture, or towards the promotion of learning and education in connection with architecture.

(2) The council shall have power to invest any sum not expended as above in such securities as shall be approved by the Government of the Dominion of Canada, or of the Province of Ontario, in the name of any three of their number appointed as trustees, and any income derived from such invested sums shall be added to and considered as part of the ordinary income of the association.

(3) The association may also use surplus funds or invested capital for the rental or purchase of land or premises, or for the building of premises to serve as offices, examination halls, libraries, museums, or for any other public purpose connected with architecture.

33. The registrar and treasurer of the council shall enter in books to be kept for that purpose, a true account of all sums of money by them, or either of them, received and paid under this Act, and such account shall be audited and submitted to the council at such time, or times, as the council may require.

Accounts of association.

34. It shall be the duty of the registrar to keep the register in accordance with the provisions of this Act, and the by-laws, orders and regulations of the council.

Registrar to keep correct register.

SCHEDULE A.

(Section 26.)

A.D. 1890.

Date of Registration.	Name.	Title or Distinction (if any.)	Residence.
1890. July 1st.	A. B.	Toronto University	Toronto.
1891. Aug. 1st.	C. D.	.....	London.
	E. F.	.....	Ottawa.
	G. H.	.....	Toronto.
	I. J.	.....	Hamilton.

CHAPTER 42.

An Act to amend The General Road Companies Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Appointment of engineers by county council.

1—(1) Every county council may name and appoint by by-law an engineer to carry out the provisions of this Act, and such engineer shall be and continue an officer of such corporation until his appointment is repealed by by-law and another appointed in his stead, who shall have authority as well to take as to continue any proceeding already commenced under this Act.

“Engineer,” meaning of.

(2) The word “engineer” in this Act shall mean civil engineer, land surveyor, or such person as any county council may deem competent to perform the duties required under this Act.

Examination of roads when out of repair, upon requisition.

2. Whenever a road, or portion of a road or bridge, constructed or acquired by a company and subject to *The General Road Companies’ Act* on which tolls have been taken is suffered by such company to get out of repair, the said engineer may upon the requisition of five or more freeholders residing within one mile from the road, or upon the requisition of any municipal council within such county, stating that the road is so much out of repair as to impede or endanger Her Majesty’s subjects and others travelling thereon, examine the road or bridge.

Notice of requisition to be given to company.

3. Such examination shall not be made until at least three clear day’s written notice of such requisition (signed by the said freeholders or two of them, or by the head of such council) has been given to the company by leaving the same with any of the keepers of the toll-gates belonging to the company.

Engineer to examine road, and notify company of want of repair.

4. The engineer after two clear days after the notice so to be given has been left with the keeper of the toll-gate shall inspect and examine the road or bridge; and, if upon such examination the road or bridge is found so much out of repair as to impede or endanger Her Majesty’s subjects and others travelling thereon, as stated in the requisition, he shall notify the president of the company to which the road belongs, by leaving a written notice at the office or place of business of the president if there is such office or place of business within the county wherein

wherein the road is situated and the office or place of business is known to the engineer, and if not so known then by leaving the notice with any of the keepers of the toll-gates.

5. The notice by the engineer shall state that in pursuance of a requisition from [*naming the freeholders upon whose requisition he has acted*] he has inspected the road or bridge and found it to be out of repair and shall specify the particular portions or portion of the road or bridge which he finds out of repair, and require them to take notice thereof, and to cause the same to be repaired within a certain time to be named in the notice; and the time shall be such as in the opinion of the engineer will be sufficient for making the required repairs; and such notice shall include a statement of the cost and charges of such engineer, the same not being such as to be inconsistent with the fees established by law to be taken by land surveyors on proceedings in courts, and the same shall be subject to taxation by the judge of the county court at the instance of the company or owner.

Contents of
notice to
company.

6. At the expiration of the time limited in the notice for the repairing of the road, the engineer shall again examine the road, and if he finds the same repaired in a good and efficient manner, he shall certify the same if required by the directors or municipal council.

Engineer to
re-examine
road on ex-
piration of
time limited.

7. If he does not find the road properly repaired at the expiration of the time limited, then until such repairs are completed the directors shall not demand or take any toll from any person travelling with or without any beast or vehicle, or passing through the nearest toll gates whereat tolls were being collected at the time of the notice on either side of the portion or portions of road so notified as out of repair, under the penalty mentioned in section 108 of *The General Road Companies' Act*, until the engineer has again examined the road, and certified it to be in good and efficient repair.

Tolls to cease
until road
repaired.

8. It shall be competent for the engineer to make a special report if he shall see fit, in terms of sub-section 3 of section 102 of *The General Road Companies' Act*, which upon service thereof on the directors of the company to which the road or roads belong shall have the effect in such sub-section mentioned, until such engineer has again examined the road and certified it to be in good and efficient repair, or unless the judge otherwise order as by said sub-section enacted.

Effect of
special report
by engineer.

9. The engineer shall have the authority given by sections 105, 106, 107, 108 and 109 of the said Act to the county judge. His action shall be subject to appeal to the county judge; the proceedings for which appeal shall be the same (as nearly as may be) as the proceedings on an application to the county judge as set forth in section 104 of the said Act.

Powers of
engineer and
appeal to
county judge.

Application of
Rev. Stat. c.
159, ss. 111-121. **10.** Sections 111 to 121 of the said Act inclusive are to apply in the same manner and to the same extent as if the engineer had been appointed by the county judge in terms of section 100.

Act to apply
to roads owned
by individuals. **11.** This Act shall apply where the road is owned by a private individual or private individuals in the same manner as when it is owned by a company, and the word "company" herein shall be construed to include an owner or owners whether forming a company or not.

Rev. Stat. c.
159, s. 57.
amended. **12.** Section 57 of *The General Road Companies' Act* is amended by inserting after the word "company" in the fourth line thereof the words "or municipality."

CHAPTER 43.

An Act to Amend The Timber Slide Companies Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Commissioner
of Crown
Lands substit-
uted for Com-
missioner of
Public Works. **1.** Wherever, in *The Timber Slide Companies Act*, the words "the Commissioner of Public Works" occur, the same shall be struck out, and the words "the Commissioner of Crown Lands" shall be substituted therefor.

Rev. Stat. c.
160 amended. **2.** The following shall be inserted in the said Act, immediately after section 8 :—

Publication of
schedule of
tolls. **8a.** The schedule of tolls so proposed to be collected shall be published for one month from the date of the report containing such schedule in some paper published in the county or counties, district or districts in which, or nearest to which, the works are situate.

Rev. Stat. c.
160, s. 9,
repealed. **3.** Section 9 of said Act is hereby repealed, and the following substituted therefor :

Commissioner
to consider
and approve
report before
issue of charter **9.** Thirty days after the first day of publishing such schedule of tolls, and not less than thirty days after the said report has been laid before the municipal council or councils, as the case may be, the Commissioner of Crown Lands shall consider the said report, and in case he approves of the proposed works he shall report such approval to the Lieutenant-Governor, who may thereupon direct the issue of a charter.

4. Section 41 of said Act is repealed, and the following substituted therefor :—

Rev. Stat. c. 160, s. 41 repealed.

(41) The annual account required to be rendered by every company shall contain a schedule of the tolls calculated as aforesaid, which it is proposed to collect in the following year, which schedule shall be published in manner provided by section 8a hereof prior to the first day of March in each year, and if it has not been notified to the president of the company on or before the fifteenth day of April in each year, that the schedule of tolls has been disallowed by an order of the Commissioner of Crown Lands, such tolls so published shall be the lawful tolls for that year; but if it appears to the Commissioner of Crown Lands, that the proposed schedule of tolls has not been calculated according to the true intent, and meaning of this Act, then the Commissioner may, by an instrument under his hand, alter or vary the schedule of tolls so as to make them correspond with the true meaning of this Act; and the amended schedule of tolls shall be notified to the president of the company, and shall by him be published immediately thereafter for two weeks in such newspaper, and shall be the lawful tolls for that year. Should no change be made by the commissioner a notice of that fact shall be published for two weeks in such newspaper.

Annual account to be rendered by company to contain a schedule of tolls.

5. Section 54 of said Act is hereby amended by inserting after the words "the Commissioner of Crown Lands," in the eleventh line thereof, the following: "or unless on any work or any part or parts of such work appearing to be unnecessary the same is dispensed with by such by-law or by the Commissioner of Crown Lands," and by adding at the end thereof the following: "unless on the maintenance of the work or any part or parts so abandoned becoming unnecessary, owing to the clearance or removal of the timber from the immediate neighbourhood thereof, or otherwise the abandonment of the same is permitted by such by-law or by the Commissioner of Crown Lands."

Rev. Stat. c. 160, s. 54, amended.

6. Section 3 of said Act is hereby amended by adding at the end thereof the following "nor until notice of the application for a charter has been served upon all timber limit owners and other parties known to be interested in the works proposed to be constructed, who shall also have the option at any time before the issue of a charter of becoming shareholders in the company in proportion to their interests involved."

Rev. Stat. c. 160, s. 3, amended.

7. Section 47 of the said Act is amended by adding thereto the following sub-section:

Rev. Stat. c. 160, s. 47, amended.

(2) In addition to the rights of seizure for tolls provided for by said section when the works through which any timber is passed are in whole or in part constructed upon or along any river or stream tributary to any river or stream which flows into

Seizure of timber for tolls in certain streams.

into the Georgian Bay, Lake Huron, or Lake Superior, or upon or along any of such last named rivers or streams, the right of seizure for tolls in said section provided for shall continue while the timber remains in the said last named river or stream, whether the timber be within the said twenty miles or otherwise. And where such works are constructed upon or along any river or stream in the Province of Ontario, tributary to the Ottawa River, the right of seizure for tolls, shall continue while the timber remains in such tributary river or stream, whether within the said twenty miles or not. But this section shall not extend the time for such seizure beyond thirty days.

Rev. Stat., c.
160, s. 20,
amended.

8. Section 20 of said Act is amended by adding the following sub-section thereto:—

(9) A detailed description of any extension or improvement of the works or of any new works proposed to be undertaken in the following year, together with an estimate of the cost thereof.

Rev. Stat., c.
160, s. 59,
amended.

9. Section 59 of said Act is amended by adding the following sub-section thereto:—

(2) In case any extension or improvement of the works or any new works proposed to be undertaken are, after submission to the municipal council or councils as the case may be as provided in section 4 and after the time limited by section 9 of this Act, approved by the Commissioner of Crown Lands, he shall report such approval to the Lieutenant-Governor who may thereupon direct the issue of supplementary letters patent authorizing the construction of such extension or improvement or such new works as the case may be.

Rev. Stat.,
c. 160, s. 40,
repealed.

10. Section 40 of *The Timber Slide Companies' Act* is hereby repealed and the following substituted therefor:

Ratio of tolls.

40. The tolls to be collected upon different kinds of timber shall bear to each other the following proportions, viz.:

	\$	cts.
Red and white pine, tamarac, spruce and hemlock, square or waney board.....	per piece	0 1
Oak, elm and other hardwood, square or flatted or waney board.....	"	0 1½
Spars.....	"	0 3
Masts.....	"	0 5
Sawlogs, 17 ft. and under.....	"	0 1/6
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	"	0 1/4
Red and white pine, tamarac, spruce and hemlock round or flatted, 25 ft. to 35 ft. long.....	"	0 1/3
		Red

Red and white pine tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length.....	per piece	0	1/2
Sawed lumber, board measure.....	per 1,000 ft.	0	3
Staves.....	"	0	15
Cords of wood, shingle bolts and other lumber.....	per cord } of 128 feet }	0	2
Railway ties other than cedar, in 8 or 16 ft. lengths.....	per 1'h of 8 ft.	0	1/18
Cedar, round or flatted, 8 ft. long or under.....	per piece	0	1/24
Cedar, round or flatted, over 8 ft. and under 17 ft. long.....	"	0	1/12
Cedar, round or flatted, over 17 ft. and under 25 feet long.....	"	0	1/8
Cedar, round or flatted, over 25 ft. and under 35 ft.....	"	0	1/5
Cedar, round or flatted, 35 ft. and upwards.....	"	0	1/3

CHAPTER 44.

An Act to amend The Ontario Insurance Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 122 of *The Ontario Insurance Act* is amended by adding thereto the following sub-section :—

Rev. Stat. c.
167, s. 122,
amended.

(2) Where the premium note or undertaking is made upon a sheet or page which contains other matter, the premium note or undertaking shall be so entitled in conspicuous type and shall be separated from such other matter by a blank space at least an inch wide carried across the sheet or page; and if such other matter requires, or is intended to receive the assent of the maker of the premium note or undertaking, such assent shall be evidenced by a signature wholly distinct from the signature to the premium note or undertaking, and any violation of this section shall render the premium note or undertaking absolutely null and void.

Form of pre-
mium notes.

2. Section 123 of the said Act is amended by adding thereto the following sub-section :—

Rev. Stat. c.
167, s. 123,
amended.

(2) Instead of requiring the whole of the first payment to be made in cash at the time of insuring, the directors may make

First payment
on premium
note may be

made in annual instalments.

make the said sum payable in annual instalments, the first of which shall be payable on the day of insuring, and the remaining instalments shall be respectively payable on the first day of each subsequent year of the term of insurance.

Proviso.

Provided that non-payment of any of the instalments subsequent to the first shall not forfeit the insurance unless thirty days' notice of the instalment due, or to become due, has been mailed to the person by whom the instalment is payable, directed to his post office address as given in his original application, or otherwise in writing to the company.

Rev. Stat. c. 167, s. 125, amended.

3. To remove doubts, section 125 of the said Act is amended by striking out all the words as far as the word "due" in the third line inclusive, and by substituting therefor the following words:—

Non-payment of assessment within 30 days

"If the assessment on the premium note or undertaking upon a policy is not paid within thirty days after notice mailed as in section 124 enacted."

Rev. Stat. c. 167, s. 132.

4. To remove doubts, section 132 of the said Act is repealed, and the following section substituted therefor:—

Return of premium note after insurance ended.

132. On the expiration of forty days after the term of insurance ended, the premium note or undertaking given for the term shall be absolutely null and void, except as to first payment or instalments thereof remaining unpaid, and except as to lawful assessments of which written notice pursuant to sections 124 and 126 has been given to the maker of the premium note or undertaking during the currency of the policy or within the said period of forty days; and, on the expiration of the said period, the premium note or undertaking shall, upon application therefor, be given up to the maker thereof, provided all liabilities with which the premium note or undertaking is chargeable as aforesaid have been paid.

Rev. Stat. c. 167, s. 63, amended.

5. Section 63 of *The Ontario Insurance Act* is amended by adding thereto the following sub-section:—

(2) Where a company pursuant to section 40 tenders mortgages by way of deposit, such fees, charges and disbursements as may be fixed by the Lieutenant-Governor in Council, shall be payable by the company for and in connection with the preparation of necessary assignments and examination of titles.

CHAPTER 45.

An Act to amend The Railway Act of Ontario.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 11 of section 9 of *The Railway Act of Ontario* is hereby repealed; but every act, matter and thing made, done, effected, contracted or agreed to, and every obligation or liability entered into or incurred under or by reason of any of the provisions contained in said sub-section 11 shall be, remain and continue to all intents and for all purposes as valid, binding, effectual and obligatory as if the said sub-section had not been repealed. Rev. Stat. c. 170, s. 9, sub-s. 11 repealed.

2. The following sub-sections are hereby added to and shall be read as sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*. Rev. Stat. c. 170 s. 9 amended.

(20) The directors of the company, under the authority of the shareholders, to them given at any special general meeting, called for the purpose in the manner provided by the special Act, at which meeting shareholders representing at least two thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the special Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding eight per cent. per annum, as the directors think proper: Power to issue bonds, debentures and other securities, and to raise money thereon.

- (a) The directors may issue and sell or pledge all or any of the said bonds, debentures, or other securities, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.
- (b) No such bond, debenture or other security shall be for a less sum than one hundred dollars.
- (c) The power of issuing bonds conferred upon the company hereby or under the special Act shall not be construed

construed as being exhausted by such issue; but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled: but no bonds or debentures shall be issued until twenty per centum of the cost has been actually expended on the work: and the limit to the amount of bonds, debentures or other securities fixed in the special Act shall not be exceeded.

Mortgages
securing bonds
etc.

(21) The company may secure such bonds, debentures, or other securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed: but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act and next to the payment of the working expenditure of the railway:

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures, or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary of which deposit notice shall be given by the company in the *Ontario Gazette*.

Bonds, etc.,
how raised.

(22) The bonds, debentures or other securities, hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding sub-section:—

(a) Each holder of the said bonds, debentures or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other

other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

(23) If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

Rights of holders of bonds, etc., upon default in payment.

(a) The rights given by this sub-section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security, in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares.

(b) The exercise of the rights given by this sub-section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

(24) All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Bonds, etc., mode of transfer of.

CHAPTER 46.

An Act respecting Aid to Certain Railways.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Railway companies granted aid out of Con. Rev. Fund.

1. That there be granted out of the Consolidated Revenue Fund to the undermentioned Railway Companies for the construction of the portions of railway hereinafter mentioned that is to say:—

(1) To the Ontario and Rainy River Railway a cash subsidy of three thousand dollars per mile (\$3,000) for the construction of thirty miles of said railway westward from the point near Sand Lake where the fifty miles terminate for which aid was granted by chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign, entitled *An Act respecting aid to certain Railways*.

(2) To the Ottawa and Parry Sound Railway from Egansville to a point in the township of Sherwood, a distance not exceeding thirty miles, a cash subsidy of \$3,000 per mile.

52 V. c. 35,
s. 2, to apply.

2. That all the provisions of section 2 of chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign, respecting the option of substituting half-yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3 of said Act shall apply to the grants hereby made.

Proviso.

Provided, that any arrangements made between the Rainy River Railway Company and the Port Arthur, Duluth and Western Railway Company providing for the expenditure of any part of the aid hereby granted in the construction of any portion of the line of the Port Arthur, Duluth and Western Railway shall be subject to the approval of the Lieutenant-Governor in Council.

Land set apart to form railway subsidy fund.

3. That for the purpose of forming a subsidy fund, there is hereby set apart, so much of the lands of this Province belonging to the Crown as lie within the distance of ten miles on each side of those portions of the Ottawa and Parry Sound Railway, and the Rainy River Railway to which aid is hereby granted, or on each side of that portion of the Port Arthur, Duluth and Western Railway upon which, by agreement between the Companies, any portion of the aid now or heretofore granted out of the Consolidated Fund may be expended, which

which land shall be sold and dealt with in the same manner as provided in sections 4 to 10 inclusive, of the said chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign.

4. Whereas by the Act passed in the 52nd year of Her Majesty's reign, chaptered 35, and intituled *An Act respecting aid to certain Railways*, it was provided that aid should be granted out of the Consolidated Revenue Fund to the Parry Sound Colonization Railway Company from the town of Parry Sound to Burk's Falls on the line of the Northern Pacific Junction Railway, a distance of about forty-five miles at the rate of \$3,000 per mile; and, whereas, it is alleged that engineering difficulties exist which make the proposed line to Burk's Falls too expensive to be practicable, and it is expedient that the truth of the said allegation should be ascertained by independent examination and enquiries to be hereafter made, the Lieutenant-Governor in Council is to cause such independent examination and inquiries to be made, and if it shall appear to the satisfaction of the Lieutenant-Governor in Council that the proposed line of the Parry Sound Colonization Railway Company to Burk's Falls is too expensive to be practicable owing to engineering difficulties the Lieutenant-Governor in Council may consent to the said line being altered to some point on the line of the Northern Pacific Junction Railway as near as may be to Burk's Falls and may direct that the bonus granted to the said railway company by the said Act shall be paid to the said company for the portion of its railway constructed in accordance with such consent.

Lieutenant-Governor to cause enquiry to be made as to practicability of line from Parry Sound to Burk's Falls.

CHAPTER 47.

An Act to amend The Street Railway Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 2 of *The Street Railway Act* is amended by adding thereto the sub-section following:—

Rev. Stat. c. 171 s. 2 amended.

(2) In this Act the word "railway" and the expression "street railway" shall, unless a contrary intention appears, include any tramway.

2. "Railway" and street railway" to include tramways.

Rev. Stat. c.
171 s. 4
amended.

Material of
rails of tram-
ways.

2. Section 4 of *The Street Railway Act* is amended by adding thereto the sub-section following:—

(5) Where under this Act a company is incorporated for the purpose of constructing and working a tramway, the charter incorporating said company may, notwithstanding anything in this Act contained, expressly provide that the rails of the tramway may be made and constructed either of wood wholly or partly covered with iron, or of wood only; and may also expressly provide that such company shall not have the power to take, transport or carry passengers upon or over its line of tramway.

CHAPTER 48.

An Act to amend the Act respecting Conveyances to Trustees for Burial Gronds.

[Assented to 7th April. 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.
c. 177, amend-
ed.

Procedure
where trust
deed does not
provide for
fencing and
repairs.

1. Chapter 177 of the Revised Statutes of Ontario, 1887, is hereby amended by adding the following section thereto:

3.—(1) In any case where land has been conveyed to trustees for a burial ground as provided in section 1 of this Act, and where in the deed of trust no provision has been made or directions given for providing funds for the proper fencing and keeping in repair of such burial ground, and when the funds accruing from the sale of burial plots or from subscriptions are insufficient to provide the funds necessary for said fencing and keeping in repair,

(2) The council of the municipality within which such burial ground is situate, may upon the application of the trustees of such burial ground, make a grant of money to said trustees out of the general funds of the municipality, to enable the trustees to carry on and complete the work mentioned in sub-section one of this section.

(3) In the case of any burial ground, where there are no trustees for the same, and in which no or very few interments are being made, and when such burial ground is in need of fencing, the council of the municipality within which such burial ground is situate, shall have power to make an appropriation out of the general funds of the municipality for the fencing thereof, and may appoint a person to see to the proper expenditure of any sum or sums appropriated for the aforesaid purpose.

CHAPTER 49.

An Act to amend The Joint Stock Companies' Winding-up Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Joint Stock Companies' Winding-up Act* is amended by striking out the words "contributories" and substituting therefor the words "members of the company," wherever the said first mentioned word occurs in the eighth and ninth sub-sections of section 8, the 4th sub-section of section 9, the first and fifth sub-sections of section 19, the fourth and fifth sub-sections of section 22, the fifth sub-section of section 23, section 24 and section 26.

Rev. Stat. c.
183 ss. 8, 9, 19,
22, 23, 24, 26
amended.

2. The said Act is also amended by striking out the word "contributory," and substituting therefor the words "member of the company," in the 6th sub-section of section 19, the 8th sub-section of section 22, section 24 and sub-section 2 of section 25.

Rev. Stat. c.
183, ss. 19, 22,
24, 25 amended

3. The said Act is also amended by striking out the word "contributory," and substituting therefor the word "member" in the first sub-section of section 22 and the first sub-section of section 23.

Rev. Stat. c.
183, ss. 22 and
23 amended.

4. Only those persons who, for the time being, may be entitled to vote at general meetings of the company, shall be deemed to be members of the company for the purposes of this Act.

Who to be
deemed mem-
bers of com-
pany.

CHAPTER 50.

The Municipal Amendment Act, 1890.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 24 of *The Municipal Act* is amended by adding thereto the following sub-sections :—

Rev. Stat. c.
184 s. 24,
amended.

(2) In any case where the resident freeholders of any city with a population of 100,000 or over, to the number of at least five

Re-division of
wards in cities
and towns.

five hundred, petition the council, alleging the expediency of, and praying that a new division into wards may be made of the city without reducing the number of wards, or that a new division may be made reducing the number of wards to nine or less, it shall be the duty of the council, and the council shall, at the time of the holding of the next municipal elections, submit the question of a new division, as prayed for by the petition, to the vote of the persons entitled to vote at the municipal elections; and, in the event of a majority of the electors voting thereon voting in favor of the petition, it shall be the duty of the council to, and the council shall, within a reasonable time after the taking of the vote, sub-divide the city into wards, so as to give effect to the prayer of the petition and vote of the electors; and such new division shall, so far as possible, be based upon the assessed values of property, population and territorial extent, and shall be given effect to in accordance with the provisions of section 22 of this Act in that behalf.

Commission of inquiry as to wards.

(3) In case any council neglects or refuses to make a new sub-division of any city into wards under the provisions of the last preceding sub-section, for three months after the same shall have been voted upon and approved of by the electors, and in case one-third of the members of the council, or one hundred duly qualified electors of the municipality petition for a commission to issue under the Great Seal to enquire into the existing division of such municipality into wards, and for a new division in accordance with the expressed wish of the electors, as evidenced by their vote, to be taken in manner aforesaid, the Lieutenant-Governor in Council may issue a commission accordingly, to three commissioners, one to be named by the Lieutenant-Governor in Council, one by the Chancellor of Ontario, and one by the City Council, and the commissioners, or a majority of them shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence as any court has in civil cases. Should the city council within two weeks after notice fail to name a commissioner, the Lieutenant-Governor shall name two commissioners.

Commissioners to prepare a scheme of division.

(4) The commissioners so to be appointed as aforesaid, or a majority of them shall, within a reasonable time, report a new division into wards of the municipality in accordance with the prayer of the petition, having regard to the provisions of this Act as to equality of representation, to the Provincial Secretary, who shall forthwith transmit a copy thereof to the council, and cause the same to be published for one month in the *Ontario Gazette*, and once in each week for four weeks in one or more newspapers published in the municipality, naming a day when the same will be taken into consideration by the Lieutenant-Governor in Council, when all parties interested, opposed thereto, and who petition to be heard, shall have an opportunity of being heard, and being represented by counsel in that behalf.

(5)

(5) The Lieutenant-Governor in Council may, within three months after the receipt of the report of the commissioners by proclamation divide the city into wards, and the Lieutenant-Governor in Council shall have the like powers as are by the *Municipal Act* conferred upon him when application is made to divide a city into wards under *The Municipal Act*.

Lieutenant-Governor may make division by proclamation.

(6) The expenses to be allowed for executing the commission shall be paid by the municipality pursuant to the provisions of section 384 of this Act.

Expenses of commission.

(7) In case of a new division being made as aforesaid, another division shall not be made for five years thereafter.

Further division not to be made for five years.

2. Section 635*a* of the said Act as added by section 34 of *The Municipal Amendment Act, 1888*, is amended by striking out the words "freeholder's resident" in the sixth line of subsection 2 thereof, and inserting the words "or a majority of the freeholders," in lieu thereof.

51 V., c. 28, s. 34, amended

3. Section 56 of *The Municipal Act* is amended by adding thereto the following sub-sections :

Rev. Stat. c. 184, s. 56, amended.

(2) When any improvement, work or service coming under the provisions of sections 569 to 630, both inclusive, of this Act, and amending Acts, shall have been undertaken by any municipal corporation, and after such corporation shall have become liable for the carrying out of the same, the lands, or any part thereof to be specially benefited by any such improvement, work or service, has or shall become and form part of another municipality by incorporation, annexation or otherwise, under the provisions of this Act and amending Acts, or of any special Act, the municipal corporation from which such lands or any part thereof are taken shall have full power and authority by themselves, their servants, workmen and agents, to proceed with any such improvement, work or service, to the completion thereof, and for such purposes to enter upon, take and use any lands lying within the limits of such new municipality, or within the limits of the territory added to such adjoining municipality, necessary to enable them to complete any such improvement, work or service, and may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all such special and other rates, issue and sell all such debentures, borrow all such moneys, and do all such other matters and things which may be necessary for completing any such improvement, work or service, and for providing for the cost thereof in the same manner as if no such new municipality had been formed, or no such annexation of territory had been made.

Power to proceed with local improvements upon lands subsequently annexed to another municipality.

(3) Any such municipality from which territory shall have been taken to form a new municipality, or to make an addition to an adjoining municipality, shall be indemnified by the new municipality or by the municipality to which any such addition

Municipality to which territory annexed to indemnify municipality commencing work

tion is made, as the case may be, from and against all debts and liabilities incurred by it prior to the formation of the new municipality, or the making of such addition, for or in respect of any improvement, work or service undertaken and carried out, or to be carried out by it, under the provisions of sections 569 to 630, both inclusive of this Act and amending Acts, to the extent to which the lands specially assessed for the improvement, work or service lie within the territory taken from it, and included within the new municipality or added to the adjoining municipality, as the case may be, and all debts incurred by a municipality for its share of any such improvement, work or service, shall be taken into account when taking and adjusting the accounts between it and the other municipality arising out of the formation of any such new municipality or the addition of territory to such adjoining municipality.

Where lands benefited are subsequently altogether within another municipality, latter to collect and pay whole debt.

(4) In any case when the local improvement, work or service lies wholly within the new municipality when formed, or within the limits of the territory added to such adjoining municipality, the new municipality or the adjoining municipality, as the case may be, shall assume the entire debt created by any local improvement by-law passed by the council of the municipality to which such territory formerly belonged, and shall on being furnished by the clerk of the municipality which passed the by-law with a certified copy of the by-law and the special assessments in each year during the currency of the debentures issued pursuant to such by-law, collect the special rates imposed by such by-law as aforesaid, at the same time as all other taxes of said municipality are collected, and the treasurer thereof shall pay the interest on such debentures when and as the same falls due, and shall from time to time, as directed by the resolution of the council of such new municipality or of the municipality to which such territory shall have been added, invest the sum set aside by said by-law for the purpose of paying said debentures at the maturity thereof

Where part only, municipality in which lands situate to collect proportion of cost.

(5) When part only of the lands specially benefited and assessed for any such local improvement, work or service lie within the limits of the new municipality, when formed, or within the limits of the addition made to any such adjoining municipality, the clerk of the municipality from which such lands have been taken shall furnish to the clerk of the new municipality or of the municipality to which the addition has been made, as the case may be, a certified copy of the by-law and of the special assessment, and from and after the receipt thereof, the corporation of the new municipality, or the municipality to which such addition has been made, as the case may be, shall, during each and every year, during the currency of the debentures issued under such by-law, collect the special rates imposed by such by-law upon lands lying within their limits, and the treasurer thereof shall, so soon as and as the same are collected, pay the amount thereof over to the treasurer of the municipality to which such lands formerly belonged.

4. Section 73 of the said Act is amended by adding the following thereto as sub-section 2. Rev. Stat. c. 184 s. 73 amended.

(2) When territory has been added to an incorporated village, town or city, before a revised assessment roll of the municipality has been made, which includes such added territory, it shall be sufficient if the required rating or part thereof is in respect of land or premises situate within the newly added territory on the last revised assessment roll of the municipality of which such added territory had before the addition formed part. Qualification of members of council where new territory added to village, town or city.

5. Section 102 of the said Act is amended by inserting after the word "freeholder" in the sixth line of the form of oath therein the words "within this municipality." Rev. Stat. c. 184, s. 102. amended.

6. Section 258 of the said Act is amended by adding the following sub-section:— Rev. Stat. c. 184, s. 258 amended.

(2) The person so to be appointed by the head of the council shall not be a person in his employment.

7. Section 320 of the said Act is amended by striking out the word "two-fifths" wherever the same occurs in the said section and inserting the word "one-third" in lieu thereof. Rev. Stat. c. 184, s. 320. amended.

8. Sub-section 1 of section 320 of the said Act is amended by inserting the words "or in aid of any waterworks or water company," immediately after the word "railway" in the second line of said sub-section. Rev. Stat. c. 184, s. 320, sub-sec. 1, amended.

9. Sub-section 2 of section 340 of the said Act is repealed and the following substituted therefor: Rev. Stat. c. 184, s. 340, sub-s. 2, repealed.

(2) If not contracted for railways, gas or water works, or for the purpose of public works according to the statutes relating thereto, or for the construction of sewers by the municipality, the purchase and improvement of parks or the erection of public school houses, the whole debt and the obligations to be issued therefor shall be made payable at twenty years at furthest from the date on which such by-law takes effect, and if a debt is contracted for railways, gas or water works, or for the construction of sewers by the municipality, the purchase and improvement of parks or the erection of public schoolhouses, the same shall in like manner be paid in thirty years at furthest from the date on which the by-law takes effect. Time for payment of certain debts by municipalities

10. Section 382 of the said Act is amended by substituting for the words "Provincial Secretary," in the fourth line of said section, the words "Minister of Agriculture." Rev. Stat. c. 184, s. 382. amended.

11. Section 401 of the said Act is amended by adding thereto the following sub-section:— Rev. Stat. c. 184, s. 401 amended.

(2) The said arbitrator, or arbitrators, shall also at the same time file with the said clerk a certificate of each of the said arbitrators, Arbitrators to verify fees.

arbitrators, showing the number of hours actually occupied by him, or them, in the said arbitration, and verifying in detail the number of hours so occupied at each sitting of the said arbitrator or arbitrators, with the date of each such sitting and the fees charged by said arbitrators in respect of such sitting.

Rev. Stat. c.
184, s. 402,
amended.

12. Section 402 of the said Act is amended by striking out the words "six weeks" in the 9th line thereof and substituting the words "three months."

Rev. Stat. c.
184, amended.

13. The following shall be added as section 423 (a) to the said Act.

Convictions
not to be void
for certain
informalities.

423(a).—(1). All by-laws authorized under the provisions of this Act, which have been, or which may hereafter be enacted and which have imposed or may impose fines and penalties and the recovery thereof with costs by summary conviction, and which in default of payment authorize the commitment of the offender to the common gaol, house of correction or lock-up house of the county or municipality, unless such fine and costs, including the costs of the committal and conveyance to the common gaol, house of correction or lock-up house, are sooner paid, are hereby declared to be good and valid, notwithstanding that such conviction, amongst other things, directs the imprisonment of the accused during the period for which by law he might be imprisoned, unless such costs of committal and conveyance to the common gaol, house of correction or lock-up house are sooner paid, and such conviction shall not by reason only that such direction, includes the costs of such conveyance and committal be impeached, quashed or set aside, and it is hereby declared that section 420 of this Act did and does apply to such by-laws heretofore passed and shall apply to any such by-laws hereafter to be passed. But this section shall not affect the costs of any application heretofore made to quash a conviction under any by-law heretofore passed.

(2) The words "including the costs of committal" where they appear in the said section 420 include and mean and have always meant the cost of conveyance and committal to prison. This section shall come into force on the passing of this Act.

Rev. Stat. c.
184, s. 434,
amended.

14. Section 434 of the said Act is amended by adding thereto the following sub-section:—

(2) The council of any city with a population of 100,000 or over, may by by-law provide for the payment of the Police Commissioners or any of them.

Rev. Stat.
c. 184, s. 479,
sub-s. 10
amended.

15. Sub-section 10 of section 479 of the said Act is amended by inserting the words "or of waterworks supplying water within its limits," immediately after the word "limits," in the second line of said sub-section.

16. Section 479 of the said Act is amended by inserting after sub-section 20 of said section the following, as sub-section 20a :—

Rev. Stat. c.
184 s. 479
amended.

20a For regulating the planting of trees, shrubs or saplings upon or near the boundary lines between the lands of different owners or occupants, and the distance from said boundary lines at which trees, shrubs or saplings may without the consent of the owner or occupant of the adjoining land be planted.

Regulations as
to trees on
boundaries be-
tween private
properties.

17. The following provisions of *The Railway Act* shall hereafter apply to municipal corporations in this Province, and shall be known as sections 488 *a, b, c, d* and *e* of *The Municipal Act*.

Certain pro-
visions of the
Railway Act
of Canada to
apply to mu-
nicipal corpor-
ations as to
expropriation
of lands.

488. (a) The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected by any municipal corporation in the exercise of its corporate powers shall stand in the stead of such lands, and any claim to or encumbrance upon the said lands, or to any portion thereof shall, as against the said corporation, be converted into a claim to the money so paid, or to a like proportion thereof.

488. (b) If in the opinion of the High Court of Justice or of any Judge thereof there is reason to fear any claims or encumbrances, or if any person to whom the compensation or damage or any part thereof is payable, refuses to execute the proper conveyance or guarantee, or cannot be found, or is unknown to the corporation, the corporation may pay such compensation into the office of the accountant of the Supreme Court of Judicature for Ontario with interest thereon at 6 per cent. per annum for six months, and may deliver to such accountant an authentic copy of the conveyance or of the award or agreement, as the case may be, and such award or agreement or conveyance shall thereafter be deemed to be the title of the corporation to the land therein mentioned, but this shall not apply to any proceedings heretofore had or taken.

488. (c) A notice in such form and for such time as any judge of the High Court of Justice may direct, shall be inserted in a newspaper, if there is one published in the municipality in which the lands are situated, or if there is no newspaper published in the municipality, then in the *Ontario Gazette*, and also in a newspaper published in the nearest municipality therein in which any newspaper is published. Such notice shall state that the title of the corporation, under such agreement, award or conveyance, is under this Act, and shall call upon all persons entitled to the lands or to any part thereof so taken or injuriously affected, to file their claims to the said compensation money or any part thereof, and all such claims shall be received and adjudicated upon by the High Court of Justice or by any judge thereof, and the said proceedings shall forever bar all claims to the said lands or to any part thereof, including dower, as well as all mortgages or encumbrances upon the same, and

the

the said court or judge shall make such order for distribution, payment or investment of the said compensation money and for securing the rights of all persons interested, as may be necessary.

488. (d) The costs of the proceedings, including proper allowances to witnesses, shall be paid by the corporation or by such other person as the said court or any judge thereof may order; and if the said order of distribution is obtained in less than three months from the payment into court of the said compensation moneys, the court or any judge thereof may direct any proportionate part of such interest to be returned to the said corporation.

488. (e) Such judgment shall forever bar all claims to the lands or any part thereof, including dower, as well as any mortgage or encumbrance upon the same, and the court or judge shall make such order for distribution, payment or investment of the said compensation money, and for the security of the rights of all persons interested therein as may be necessary.

Rev. Stat.
c. 184, s. 489
sub-s. 19,
amended.

18. Sub-section 19 of section 489 of *The Municipal Act* is hereby amended by adding thereto the following clause:—
“and in towns and cities for wholly prohibiting the construction or erection of fences made wholly or in part of
“barbed wire or any other barbed material, along streets and
“public places.”

Rev. Stat. c.
184, s. 489
amended.

19. Section 489 of *The Municipal Act* as amended by section 23 of *The Municipal Amendment Act, 1888*, is further amended by inserting the word “local” immediately before the word “municipality,” in the 18th line of sub-section 9a of the said section.

Rev. Stat., c.
184, s. 495,
sub-s. 2,
amended.

20. Sub-section 2 of section 495 of *The Municipal Act* is amended by adding at the end thereof the words, “And for licensing, regulating and governing bill-posters, and for fixing the sum to be paid for every such license, and the time it shall be in force.”

Rev. Stat. c.
184, s. 495
amended.

21. Section 495 of the said Act is amended by adding thereto the following sub-section:—

By-laws for
defining districts
within which certain
trades may be
carried on.

(12) For defining the areas within which tanneries hereafter erected, rag, bone, or junk shops, or other industries of a noxious or unhealthy character may not be carried on within the said municipality.

Rev. Stat. c.
184, s. 496
amended.

22. Section 496 of the said Act is amended by adding the following as sub-section 9a:

Erection of
hoists and
elevators.

9a For regulating the construction of cranes, hoists and elevators and determining the manner in which elevators in buildings shall be constructed and worked (whether automatically

cally or otherwise) and for providing for the inspection of all cranes, hoists and elevators, but none of the provisions of the by-laws shall be inconsistent with *The Factory Act* so far as the same provides for the regulation or construction of cranes, hoists and elevators.

23. Sub-sections 5 and 6 of section 503 of the said Act are amended by omitting from sub-section 6 the following words, and by adding the same to sub-section 5 thereof: Rev. Stat. c. 184, s. 504 amended.

“Provided that this sub-section shall not be qualified as respects shops or stalls occupied by butchers or others for the sale of fresh meats in quantities less than by the quarter carcase within the said municipality by anything contained in sections 497 or 500 of this Act.”

24. Sub-sections 1 to 5 of section 504 shall apply to counties, townships and incorporated villages as well as to cities and towns. Rev. Stat. c. 184, s. 504, amended.

25. Section 504 of the said Act is further amended by adding thereto the following sub-sections: Rev. Stat. c. 184, s. 504, amended.

(14) For building, equipping, maintaining and operating street railways in, along and over such streets of the city or town and subject to and upon such terms as the Lieutenant-Governor in Council may approve, and for leasing the same from time to time on such terms as may be determined on, and for levying an annual special rate to defray the yearly interest on the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding 30 years, provided that the powers conferred by this sub-section shall not apply to a municipality in which there is an existing street railway constructed or operated under any agreement or contract between the municipality and any street railway company. Street railways.

(15) A municipal corporation which builds, constructs, owns, or manages a street railway shall have and exercise the same rights and powers and be subject to the same liabilities as street railways and companies under *The Street Railway Act*, except where the same shall conflict or be inconsistent with or be repugnant to the rights, powers, liabilities or duty of a municipal corporation as provided by law. Nothing herein contained shall relieve any municipality from the obligations and liabilities in respect of roads, streets, highways, or bridges as provided by this Act.

26. Section 505 of *The Municipal Act* is amended by striking out the words “the last sub-section” where they occur in the first line of the said section, and inserting in lieu thereof the words “sub-sections 13 and 14.” Rev. Stat. c. 184, s. 505 amended.

27. Section 26 of *The Municipal Amendment Act, 1889*, is repealed. 52 V., c. 36.

28. s. 26, repealed.

51 V., c. 28, s.
24, amended.

28. Section 24 of *The Municipal Amendment Act, 1888*, is amended by striking out the words "having a population in excess of fifty thousand," which occur at the end of the third and the beginning of the fourth lines thereof, and by adding the words "or town," immediately after the word "city" in the third and fourteenth lines thereof, and shall be read as part of said section and deemed to have been the true intent and meaning of the statute, and to have been in force at and from the time of the coming into force of *The Municipal Amendment Act, 1888*.

By-laws for
regulating
teamsters, etc.

29. The council of every town shall have and shall be deemed to have always had the power to pass a by-law for regulating and licensing teamsters, carters and draymen and regulating the charges for the conveyance of goods or for other services.

Rev. Stat. c.
184 amended.

30. The said Act is amended by inserting the following as section 533a.

Certain muni-
cipalities may
claim from
county coun-
cils contribu-
tion for con-
struction of
bridges.

533a—(1) A township or village, and any town containing by the last official census a population of four thousand or less which is so situate in respect of rivers or streams as to require for the convenience of the public,

(a) The construction and maintenance by such local municipality of bridges one hundred feet in length or more, requiring (having regard to the other municipalities of the county) greatly disproportionate expenditure by such local municipality, either from the number of bridges or the cost thereof; or—

(b) Which, having reference to the population and assessed value of such local municipality, require for such construction or maintenance excessive or greatly disproportionate burdens upon the ratepayers thereof;

May notify the county council of any or all of the foregoing circumstances and that such municipality claims from the county council contribution of a share or percentage of the cost of construction and maintenance of such bridges one hundred feet in length or more, which the said municipality may construct and maintain after the passing of this Act.

Reference to
arbitration of
matters in
dispute.

(2) In the event of the councils of the said county and municipality respectively being unable to agree upon the share or percentage which the said county council shall contribute for the purposes aforesaid, or as to the cost or character of any such bridge, the matters in dispute shall be referred to arbitration under the provisions of this Act respecting arbitrations.

Payment of
amount
settled by
arbitration.

(3) The county council shall pay to such local municipality any sum or sums settled by agreement or fixed by arbitration for

for the purposes aforesaid, in such manner and at such times as may be provided by the agreement or directed by the award.

(4) Or, where such application has been made by a local municipality, the county council may assume any such bridge or bridges, and in such case, in the event of the councils of the county and municipality respectively being unable to agree upon the share or percentage which the local municipality shall contribute towards such construction and maintenance, or as to the character and cost of the bridge or bridges which the county council proposes to construct and maintain, the matters in dispute shall be referred to arbitration under the provisions of this Act respecting arbitrations.

Assumption of
bridge by
county
council.

(5) The county council may require from the local municipality a statement of the kind, character and cost of any bridge or bridges of the length aforesaid proposed to be erected by the said local municipality, and the plans and specifications thereof; or when the county council has assumed such bridge or bridges, the local municipality shall be entitled to the same information from the county council.

Information
as to character
of bridges to
be given by
municipali-
ties.

(6) Where the arbitration is upon a claim of a local municipality for contribution by the county, the arbitrators shall amongst other matters take into consideration the population and assessed values of the several municipalities of the county and also the average tax imposed by such municipalities during at least the ten years next preceding that in which the application is made, for the construction and maintenance of such bridges, the necessity of other municipalities in respect of bridges, and the difference during the said ten years between the average tax imposed by the other municipalities and the applying local municipality for the purposes aforesaid. They shall also consider whether the applying local municipality receives any special or particular benefit by reason of the rivers or streams passing through, or the lakes or ponds being situate therein, which the other municipalities of the county do not receive from like or similar causes. Where the county council has assumed the bridges and calls for a contribution from a local municipality, reference shall be had *mutatis mutandis*, and as far as applicable and as may be practicable to the corresponding facts and circumstances.

Matters to be
considered by
arbitrators.

(7) The award in either case shall not name the specific sum which the one council shall pay to the other, unless the arbitrating municipalities otherwise agree, but shall determine the share or percentage of the cost of construction or maintenance of such bridge or bridges for which the council may be liable for the ten years after the award including the year in which the award is made, and for as much longer as the two corporations interested may by the submission or by any agreement determine.

Form of
award.

Section not to apply to town separate from a county. (8) This section shall not apply to any town separated from a county, and shall not come into force until the first of January, 1891.

Rev. Stat. c. 184, s. 536, amended.

31. Section 536 of the said Act is amended by adding the following sub-sections thereto :

Road allowances on township boundary lines.

(2) In the case of any township boundary line, or any portion of such line on which in the original survey thereof a road allowance has not been reserved, the council of any one of the municipalities bordering on such boundary line, may pass a by-law for acquiring the necessary land, either by purchase or expropriation, within such municipality for one-half of the required road allowance.

(a) The clerk of the municipality shall within four days after the passing of the by-law, send by registered letter a copy of the by-law to the clerk of the adjoining municipality.

(3) Sections 539 and 540 of this Act shall apply to proceedings taken under the provisions of this section.

(4) If the matters in dispute between the two municipalities are referred to arbitration the arbitrators shall have power to decide upon the proportion of the cost of the land which will be required upon each side of such boundary line for a road allowance which shall be borne by each municipality, and shall also have power to decide whether a road allowance shall be laid out or not.

(5) If the arbitrators decide against the laying out of a road allowance upon such boundary line or any portion of such line, then no further proceedings shall be taken for the period of two years or such further time as the arbitrators may determine upon, but not exceeding four years in all.

Rev. Stat. c. 184, s. 566 sub-sec. 7 amended.

32. Sub-section 7 of section 566 of the said Act is amended by inserting after the word "toll," in the second line thereof, the words "or any other."

Rev. Stat. c. 184, s. 569, amended.

33. Section 569 of the said Act is amended by adding thereto the following as sub-section 11a:—

Adjustment of drainage assessment.

11a. In case of a lot or part of a lot being assessed for the construction or repair of a drain and the same property being afterwards assessed by the engineer, for the construction or repair of another drain, the court of revision or judge may take into consideration any prior assessment or assessments for drainage purposes on the same lands.

Rev. Stat. c. 184, sec. 569, amended.

34. Sub-section 15 of said section 569 is amended by striking out all the words in the said sub-section from the

beginning down to and inclusive of the words, "persons interested therein," and substituting therefor the following:—

In case on any such complaint or appeal the assessment in respect of the property which is the subject of complaint or appeal ought to be varied, the court or judge shall adjourn the hearing of such appeal for a sufficient time to enable the clerk of the municipality to notify all persons to be affected by registered letter of the date to which such hearing of the said complaint or appeal is adjourned, and the said clerk shall so notify all persons interested, and unless such interested parties appear and show cause, then the court or judge may, in its or his discretion vary the assessment of the said property and of the other lands and roads benefited as aforesaid, without further notice to the persons interested therein so as to do justice to all parties.

Varying assessment for drainage works on appeal.

35. Section 569 of the said Act is amended by adding thereto the following sub-section:—

Rev. Stat. c. 184, s. 569, amended.

(22) Any person who has signed a petition under this section shall be at liberty to withdraw therefrom and to abandon such petition at any time before the expiry of the time limited for appealing from the proposed assessment to the court of revision, but not afterwards. If the proposed work shall not be proceeded with on account of such withdrawal from the petition, then the persons signing such petition including those who have withdrawn therefrom shall be *pro rata* chargeable with and liable to the municipality for the expenses incurred by such municipality in connection with such petition, and the amount with which such persons are chargeable shall be entered upon the collector's roll for such municipality against the person liable, and shall be collected in the same manner as any other sum so placed on the roll for collection.

Effect of withdrawal of petitioners after signing.

36. Section 585 of the said Act is amended by inserting after the words "or alter the drain" in the eighth and ninth lines thereof, the words, "or to cover any portion of said drain where it passes through a ridge of land." The following shall be added as sub-section (2) of said section 585.

Rev. Stat. c. 184, s. 585 amended.

(2) When the engineer reports that the covering of any portion of a drain that has been, or which may hereafter be constructed under the provisions of any of the aforesaid Acts, is necessary for the efficiency of any such drain and is necessary to the better maintaining and keeping in repair of any such drain, then in such case he shall determine the size and capacity of the proposed covered portion of said drain, and also the material to be used in the construction thereof.

Covering drains.

37. Section 590 of the said Act is amended by inserting after the word "individual" in the third line the following: "for the drainage of improved or unimproved lands"

Rev. Stat. c. 184 s. 590, amended.

lands" and by inserting after the word "outlet" in the seventh line the words "for the drainage of improved or unimproved lands." This section shall not affect any action, suit or proceeding now pending.

CONSOLIDATION AND AMENDMENT OF LOCAL IMPROVEMENT
SECTIONS 612 TO 623 INCLUSIVE.

Rev. Stat. c.
184, ss. 612—
623, inclusive,
repealed.

38. The following sections 612 to 623 (a) both inclusive are substituted for sections 612 to 623 inclusive of *The Municipal Act* and the several amendments thereof :

By-laws for ;

612. The council of every township, city, town, and incorporated village may pass by-laws for the following purposes :

Ascertaining
real property
benefited by
local improve-
ments.

(1) For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed, as hereinafter mentioned, upon the real property benefited thereby ; and of ascertaining and determining the proportions in which the assessment of the cost thereof is to be made on the various portions of real estate so benefited ; and there shall be the same right of appeal from any such assessment or proposed scale of assessment, to the court of revision, and from the court of revision to the county judge, as is provided for by section 569 of this Act ; and the proceedings thereon shall except as otherwise provided in section 618 of this Act be the same respectively as in the case of appeals from ordinary assessments under *The Assessment Act*. R.S.O. (1887), c. 184, s. 612 (1).

Appeal.

Assessing real
property bene-
fited for cost of
certain works.

(2) For assessing and levying by means of a special rate, the cost of deepening any stream, creek, or watercourse, and draining any locality, or the cost of making, enlarging or prolonging any common sewer, or of opening, widening, prolonging or altering, macadamizing, grading, levelling, paving or planking any street, lane, alley, public way or place, or of constructing any sidewalk, bridge, culvert or embankment forming part of a highway therein, or of curbing, sodding, or planking any street, lane, alley, square, or other public place, or of reconstructing any work hereby provided for. R.S.O. (1887), c. 184 s. 612 (2).

Regulating
time and man-
ner of payment
of assessment.

(3) For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for such works or improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums. R.S.O. (1887), c. 184 s. 612, (6).

Doing work
when funds
furnished by
parties.

(4) For effecting any such work or improvements as aforesaid with funds provided by parties desirous of having the same effected. R.S.O. (1887) c. 184, s. 612, (7).

(5) If the contemplated work or improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the council; and the council of every municipality which has not passed a by-law within and under the provisions of section 625 of this Act shall also provide, in connection with all sewers, the cost of all culverts and other works necessary for street surface drainage, and also the cost of that part of every such work, improvement or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment. R.S.O. (1887) c. 184, s. 612, (8).

Construction of sewers, etc., in part to be provided by council.

(6) If the contemplated works or improvements relate to any stream, creek, or watercourse, or to draining any locality, and in the opinion of the engineer or surveyor specially benefit any lands lying within the municipality or any road or roads lying therein or any roads therein belonging to any other municipality or corporation, then the engineer or surveyor aforesaid shall charge the lands road or roads to be so benefited, and the municipality, corporation, person or company whose lands, road or roads are improved with such proportion of the cost of the work or improvement as he may deem just, and the amount so charged for lands or roads, or agreed upon by arbitration shall be paid by such person or out of the general funds of the municipality, corporation or company, as the case may be, and the provisions of this Act relating to drainage so far as applicable shall apply to any such work or improvement constructed under this section. R.S.O. (1887) c. 184, s. 612 (10).

Lands benefited to be charged with proportion of costs of certain local improvements.

613.—(1) The special rate to be so assessed and levied shall be an annual rate according to the frontage thereof, upon the real property fronting or abutting upon the street or place whereon or wherein such improvement or work is proposed to be done or made. R.S.O. (1887) c. 184, s. 612 (4).

Rate to be assessed on frontage.

(2). If in any case the first assessment for any such work or improvement proves insufficient, the council shall make a second or other additional assessment in the same manner, and so on until sufficient moneys shall have been realized to pay for such improvement or work, and if too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid. R.S.O. (1887) c. 184, s. 612 (5).

Provision in case of insufficient or excessive assessment.

614. Nothing contained in the two preceding sections shall be construed to apply to any work of ordinary repair or maintenance; and all works or improvements constructed under the said sections shall thereafter be kept in a good and sufficient state of repair at the expense of the township, city, town, or village generally. R.S.O. (1887) c. 184, s. 612 (3).

Preceding sections not to apply to certain works.

615. It shall be deemed to have been and to be a sufficient compliance with the provisions of section 612, if the council shall have passed or shall pass a general by-law or general by-laws

General by-law for determining property

laws

benefited by improvements, sufficient.

laws, providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment of the final cost thereof is to be made on the various portions of real estate so benefited, and it shall not be deemed to have been, or to be necessary to pass a special by-law in each particular instance for the purposes above mentioned. R.S.O. (1887) c. 184, s. 612 (1) (a).

By Petition or on Sanitary Grounds.

Council to undertake works on petition of owners to be benefited.

616.—(1) Upon the receipt of a petition praying for any of the works and improvements mentioned in the four preceding sections, signed by at least two-thirds in number of the owners of any real property to be benefited thereby, according to the last revised assessment roll of the municipality, such owners representing at least one-half in value of such real property, the council may take all proper and necessary proceedings for the execution and completion of such work or improvement with as little delay as possible. R.S.O. (1887) c. 184, s. 612 (9)

“Owner” to include certain leaseholders.

(2) Where the word “owner” occurs in this Act in sections 569 to 629, both inclusive, it shall be construed and deemed to include a leaseholder, the unexpired term of whose lease (including any renewals therein provided for) extends over a period which is not less than the duration of the proposed assessment, if the lessee has covenanted in his lease to pay all municipal taxes on the demised property during the term of said lease, and would be liable for the taxes for the proposed improvements, and every such lessee shall have the same right to petition for or against any local improvement proposed to be constructed under this Act as if he were the owner of the property liable to be assessed therefor. (*New.*)

Owner not to petition where lessee may.

(3) In any case where a lessee has the right to petition for or against any proposed improvement under the provisions of the last preceding sub-section, the owner of the property in fee shall not have such right, but this sub-section and sub-section two shall not apply to townships. (*New.*)

Drains for sanitary purposes.

(4) If the council of any city or town upon the recommendation of the local board of health, affirms by a vote of two-thirds of all the members of the council at any regular meeting thereof, that it is desirable and necessary in the public interest, to construct, make, enlarge or prolong a drain, sewer or sewers, for the purpose of draining a particular locality for sanitary or drainage purposes, as a local improvement it shall not be necessary for such council to give notice of the proposed assessment for such local improvement, except the notice of the sitting of the court of revision for the purpose of hearing complaints against such proposed assessment that

is

is required by section 623 of this Act. This shall not affect or impair the powers heretofore conferred upon any municipality by special Act. (*New*).

On the Initiative.

617.—(1) Any such work or improvement may be undertaken by the council and the assessment of the cost thereof made upon the properties benefited thereby, unless the majority of the owners of such real property (to be ascertained as aforesaid), representing at least one-half in value thereof, petition the council against the same, within one month after the last publication of a notice of the intention of the council to undertake the said work, such notice to be inserted in at least two newspapers published in such township, city, town or incorporated village, if there are two newspapers published therein; and if there are not, then in a newspaper published nearest to the proposed improvement or work, such publication to be once in each week for two weeks. R.S.O., (1887) c. 184, s. 612 (4).

Work to be done and rate to be assessed on property benefited, except where petitioned against.

(2) In the event of any such petition against any such proposed work or improvement, sufficiently signed, being presented to the council, no second notice for the same proposed work or improvement shall be given by the council within two years thereafter. R.S.O., (1887) c. 184, s. 612 (4) (b).

Effect of petition against work.

(3) The number of the owners petitioning against the proposed improvement or work and the value of the real property which they represent, may be ascertained and finally determined as aforesaid, or in such manner and by such means as are provided by by-law in that behalf. R.S.O., (1887) c. 184, s. 612 (4) (c).

Determining number and value of property of petitioners

(4) In any case when notice of a proposed improvement, work or service to be paid for by special assessment as a local improvement, has been given by the council of any municipality pursuant to the provisions of the *Municipal Act* then in force, or any amending Act or Acts, and no petition sufficiently signed as aforesaid has been presented to the said council or to the succeeding council against such proposed improvement, work or service and assessment within the time limited in that behalf by the said Acts, it shall be lawful for the said council, in the same or any succeeding year, to carry on the proposed work, improvement or service to completion, before making the assessment therefor; and such notice, so given, shall stand good as the authority for undertaking any such work, improvement or service, and for making such assessment or assessments, and passing all necessary by-laws, whether the same shall have been or shall be undertaken and completed by the council giving such notice, or by the council in any succeeding year. R.S.O., (1887) c. 184, s. 616.

Completion of local improvements.

Publication of Notice.

Notice may be served on owners, etc., in lieu of advertising

618.—(1) No by-law passed by the council of any township, city, town or incorporated village, under the provisions of sections 569, 570 or 612 of this Act, shall require to be advertised or published by the said council in any newspaper, but a written or printed, or partly written and partly printed notice of the sitting of the court of revision for the confirmation of every such special assessment shall be given to the owners and lessees having the right to petition, or the agents of such owners and lessees of each parcel of real estate included in such by-laws and assessments.

Contents of notice.

(2) Every such notice shall contain a general description of the property in respect of which the same is given, the nature of the improvements, works or services, the total cost thereof, the amount of the assessment on the particular piece of property, and the time and manner in which the same is payable, and shall be signed by the clerk or the assessment commissioner, or other officer to be appointed by the council for the purpose, and be mailed to the address of the person entitled to notice at least fifteen days before the day appointed for the sittings of the said court, and ten days notice shall also be given by publication in some newspaper having a general circulation, of the time and place of the meeting of the said court, which notice shall specify generally what such assessment is for and the total amount to be assessed. R.S.O., (1887,) c. 184, s. 622.

Where special rate is a frontage rate general description sufficient when by-law passed under s. 615.

(3) Where the notice of the intention of the council to undertake any work or improvement is given under the provisions of a general by-law passed under section 615, and which provides, or is intended to provide, that the special rate to be assessed therefor shall be an annual rate according to the frontage of the real property fronting or abutting upon the street or the portion of the street or the place whereon or wherein the improvement or work is proposed to be done or made, it shall be sufficient if the notice of the proposed work or improvement describes the street or place or portion thereof, whereon or wherein the work or improvement is to be done or made by a general description thereof, stating the points between which it is to be made, and it shall not be necessary to state the value of the real property ratable therefor, or to impose a rate upon such real property by any description other than that hereinbefore mentioned. R.S.O. (1887.) c. 184, s. 623. (1).

Notice of by-law and sitting of court of revision.

(4) In such cases the council shall procure a measurement of the frontage liable to the assessment for the cost of the proposed work or improvement and of the frontages exempt from taxation, and shall keep a statement of the same open for inspection in the office of the clerk of the municipality for at least ten days before its final decision to undertake the said proposed

proposed work or improvement, and the council shall also cause to be inserted in a public newspaper published within the municipality or in the county town, or in a public newspaper published in the nearest municipality in which a public newspaper is published, once a week for two successive weeks, a notice in the form following or to the like effect :

Take notice that the municipal council of the corporation of the

intends to (*describing the work*) on

street, between (*describing the points between which the work has been or is to be made or constructed*) and to assess the final cost thereof upon the property abutting thereon and to be benefited thereby, and that a statement showing the lands liable to pay the said assessment, and the names of the owners thereof, so far as they can be ascertained from the last revised assessment roll, is now filed in the office of the clerk of the municipality and is open for inspection during office hours.

The estimated cost of the work is \$ _____ of which \$ _____ is to be provided out of the general funds of the municipality.

A court of revision will be held on _____ at _____ for the purpose of hearing complaints against the proposed assessment or accuracy of the frontage measurements or any other complaint which persons interested may desire to make, and which is by law cognizable by the court.

Dated _____

Clerk.

R.S.O. (1887) c. 184, s. 623. (2).

(5) There shall be the same right of appeal from any such proposed assessment to the court of revision, and from the court of revision to the county judge, as is provided in section 569 of this Act, and the proceedings thereon shall, except as otherwise provided by this Act, be the same (as nearly as practicable) as in the case of appeals from ordinary assessments under *The Assessment Act*, and the court of revision and the county judge shall respectively have the like jurisdiction, rights and powers in respect to every such appeal as in the case of such last mentioned appeals. R.S.O. (1887) c. 184, s. 623 (3).

Appeals from court of revision.

(6) The said statement, or the same as altered or varied by the court of revision or the county judge upon appeal, shall be final and conclusive as to all matters therein contained. R.S.O. (1887) c. 184, s. 623 (4).

Assessment as altered on appeal to be conclusive.

LOANS AND ADVANCES FOR COST OF LOCAL IMPROVEMENTS.

619.—(1) For the purpose of enabling councils to avoid the necessity of making supplementary assessments, or refunding in case of over assessments, and of ascertaining the exact cost of any work or improvement, done or constructed, as a local improvement under the provisions of this Act, they may and they are hereby authorized and empowered to make agreements with any bank, or any person or body corporate for temporary advances and loans until the completion of the work or improvement, for meeting the cost thereof, and they may and they are hereby authorized and empowered in their option to make the special assessments for the cost there-

Power to borrow funds for local improvements.

of, after the work or improvement, as the case may be, shall have been completed, and to pass the necessary by-law authorizing the issue of debentures to repay the amount of the temporary loan or advance. R.S.O. (1887) c. 184, s. 621 (1).

Time for re-
payment of
loans.

(2) Every by-law for borrowing money shall provide for the repayment of the loan and the maturing of the debentures to be issued pursuant to such by-law, within the probable life of the work or improvement for which such debt has been incurred, as certified by the engineer, or other proper officer, to be appointed by the council for that purpose. R.S.O. (1887) c. 184, s. 621 (2).

Where special
assessments
irregular new
assessments
may be made.

(3) If in any case a debt has been incurred by the municipality for any work or improvement done or constructed under the provisions of this Act, and after the incurring of the said debt the special assessment for such work or improvement or the by-law providing for borrowing money therefor, is set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in the making of such assessment or passing such by-law, it shall be lawful for the council, and they are hereby authorized, to cause a new assessment or assessments to be made, and to pass a new by-law, so often as may be necessary to provide funds for the payment of the debt so incurred for such work or improvement: Provided always that nothing herein contained shall be construed as authorizing any assessment to be made, or work or improvement to be undertaken, except the same be initiated in some one of the three methods by law provided, namely:

Proviso.

- (a) Either on the report of the engineer or other sanitary officer, and of a committee of the council, adopted by the council, recommending the proposed work or improvement for sanitary or drainage purposes; or
- (b) On a petition of the owners of the real property benefited, sufficiently signed; or
- (c) After due notice, as above provided, of the proposed assessment, and no sufficiently signed petition of the owners, as hereinbefore defined, of the real property benefited against the proposed assessment being presented to the council within the time limited therefor. R.S.O. (1887) c. 184, s. 621 (3).

ASSESSMENTS FOR LOCAL IMPROVEMENTS.

Cost of
sewers.

620.—(1) In ascertaining and determining the cost of draining any locality or making and laying or prolonging any common sewer, the council of any township, city, town or incorporated village, may estimate the cost of the construction of branch drains from the drain or sewer to the line of street, and may include the cost of such branch drains in making the assessment

assessment or such drains or sewers, as a local improvement pursuant to the last preceding section. R.S.O. (1857) c. 184, s. 613.

(2) In any case where in order to afford an outlet for the sewerage and drainage of real property other than that fronting or abutting upon the street in which such a sewer shall hereafter be constructed such sewer shall be constructed of a larger capacity than that required for the efficient sewerage and drainage of the real property fronting or abutting upon the street, then and in every such case the council may impose a special assessment upon the other real property benefited by the construction of such sewer in the manner hereinafter provided by sections 618 and 619 of this Act. 51 V. c. 28, s. 33.

Where other property receives benefit of sewer as well as that fronting on street drained.

(3) In case the council of such municipality is about to construct, renew or alter the character of a pavement upon any street, or portion thereof, as a local improvement, the council may, before laying down such new pavement, put in all necessary private drain connections from any existing drain or sewer upon such street, or portion thereof, to the street line on each side of such drain or sewer, and may assess and levy the cost thereof upon the particular property benefited thereby as part of the cost of said local improvement pursuant to the provisions of section 612 of this Act. 52 V. c. 36, s. 38.

Construction of drains in connection with pavements laid as local improvements.

(4) The council of every township, city, town and incorporated village may, by by-law, provide an equitable mode of assessing for local improvements, works and services, corner lots, triangular or other irregular shaped pieces of land situate at the intersections or junctions of streets, having due regard to the situation, value and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such improvements, works and services, and may charge the amount of any allowance made on any such lot or piece of land, on the other real property fronting on the improvements, or assume the same as a portion of the municipality's share of the work or improvements; but any such assessment shall be subject to appeal to the court of revision and from the court of revision to the county judge as herein provided. R.S.O., (1887). c. 184, s. 614.

Assessment of corner lots, etc., for local improvements.

(5) It shall and may be lawful for the council of any township, city, town, or incorporated village by a two-thirds vote of the council to pass by-laws to remit and refund so much of the special rates imposed prior to the 30th day of March, 1885, on corner lots and irregular pieces of land for the construction of pavements and sidewalks under local improvement by-laws as may be necessary to equalize the assessment made on such property with the assessment made on adjoining properties for the same improvement or work, and to provide the amount of all rates so remitted or refunded by passing by-laws for borrowing money by the issue of debentures, or by including said amounts

Refund of part of special rate for local improvements imposed on corner lots, etc.

amounts in the rate bills for the year ; provided that no such remission or refund shall be made in any case where the work or improvement shall have been made or constructed more than four years before the passing of the by-law authorizing the refund or remission. R.S.O. (1887) c. 184, s. 615.

Determining
proportion of
cost of work in
special cases.

(6) Where the lands on either side of a street, lane, or alley in a city, town, or incorporated village, in the opinion of the council, are from any cause unfit for building purposes, and the council deem it inequitable to assess the same for local improvements at as high a rate as the building lots fronting on said street, lane or alley, the council shall, in all such cases, determine in what proportion the cost of any such improvement shall be borne by the lands on each side of said street, lane, or alley, respectively. R.S.O., (1887) c. 184, s. 617.

Assessment
for boule-
vards, etc.

(7) Real property adjoining and fronting on any park, square, public drive or boulevard shall be specially answerable for and in respect of the improvements, works and services made, done or provided upon or in any such drive or boulevard in like manner as real property fronting or abutting upon any public street, but where a public park, square, drive or boulevard exists or may hereafter be established, the lands adjoining it not exempt from taxation shall be answerable only in respect of such improvements, works and services to the extent to which such lands are specially benefited by such improvements, works and services ; and where the lands on one side of such drive or boulevard are a public park or square, or for other reasons are exempt from taxation at least one-half of the cost of such improvements, works and services shall be borne by the municipality generally ; and no petition against any such assessment shall avail to prevent the carrying out of any improvement, work or service in any such park, square, drive, or boulevard, and the making of such special assessment. 52 V. c. 36. s. 39.

BRIDGES, STREET EXTENSIONS, SIDEWALKS, ETC.

Cost of con-
structing
bridges or
culverts and
of opening and
extending
streets.

621.—(1) Where it shall, in the opinion of the council of any township, city, town or incorporated village, be deemed expedient and necessary to construct or repair bridges or culverts on any street, lane or alley, or to open up and extend any street, lane or alley within the limits thereof for the more immediate convenience or benefit of any locality within such limits, and the council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvement on the lands fronting thereon, the council shall determine what lands are benefited by such works or improvements, and the proportion in which the cost thereof shall be assessed against the lands so benefited, and also the proportion, if any, of the cost of the improvement, which shall be assumed by the township, city, town or incorporated village as its share thereof : provided always that the share or proportion of the cost

cost of such improvement assumed by the municipality may be provided for by the issue of debentures upon the credit of the municipality at large in like manner as in the case of the share of the municipality of other local improvements, and that all assessments made under the above provisions shall be subject to an appeal to the court of revision and from the court of revision to the county judge in like manner as in the case of other special assessments for local improvements, under the provisions of this Act. R.S.O. (1887) c. 184, s. 618; 51 V. c. 28, s. 36.

(2) If in the case of the construction or repair of a bridge or culvert, or the opening up and extension of any street, lane or alley, the council shall determine that any real property other than that fronting or abutting on the street, lane or alley, or the portion thereof whereon or wherein the improvement is made, or to be made, is specially benefited, and ought to be charged with a part of the cost thereof, and shall determine the proportion in which the cost of the improvement shall be assessed against the lands so benefited the council shall assess and levy the proportion of the cost chargeable against the lands benefited, but not fronting or abutting upon such street, lane, or alley, by a frontage rate, in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane or alley, or the portion thereof whereon or wherein the improvement is made or to be made. R.S.O., (1887) c. 184, s. 619.

Assessment of lands benefited not fronting on street improved.

(3) Or in the case of a township, the council may, by by-law, provide that the cost of the works therein specified may be assessed and levied by a special rate upon the lands benefited thereby according to the proportion of benefit received therefrom instead of by a frontage rate, as hereinbefore provided, and where the owners of real property have constructed works or improvements which might have been constructed by the municipality as local improvements, the council may, upon the petition of three fourths of the owners of lands to be benefited by the acquisition of such works or improvements, representing at least two thirds in value thereof, acquire the same at a price to be fixed by arbitration pursuant to this Act, and the purchase money therefor may be raised, assessed and levied, as for local improvements upon the real property benefited thereby as above provided.

Assessments for local improvements in townships.

(a) The number of owners petitioning for the said assessment, and the value of the real property which they represent may be ascertained and finally determined in such manner, and by such means as are provided by by-law in that behalf subject to an appeal to the judge of the county court as in the case of other special assessments for local improvements. 51 V. c. 28, s. 37.

622. In any case when the council affirms by a two-thirds vote thereof that the constructing, erecting or making of any bridge,

Where council declares which municipality

benefited by
construction
of bridge, etc.

bridge, culvert or embankment, benefits the municipality at large, and that it would be inequitable to raise the whole cost of such improvement or work by local special assessments, the council may pass a by-law for borrowing money by the issue of debentures upon the credit of the municipality at large to provide as the corporation's share of the cost of such improvement or work an amount not exceeding one-half of the whole cost thereof; and no such by-law shall require the assent of the electors before the final passing thereof. R. S. O. (1887) c. 184, s. 618 (2).

Council may
permit owners
to build or im-
prove side-
walks in front
of lands.

623. The council may permit the owner or owners of lands in any township, city, town, or incorporated village, to build or improve the sidewalk in front of his or their lands, under the direction of the council or an officer thereof appointed for that purpose, and according to such plans and regulations as the council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature so long as he or they shall keep the same in repair to the satisfaction of the council. R.S.O. (1887) c. 184, s. 620.

Powers of
county judge
upon appeal.

623*a*. Whenever in cities and towns an appeal lies from the court of revision to the county court judge under sections 569 to 623 inclusive, the said county judge shall, in addition to his other powers under this Act and *The Assessment Act*, have the power to enquire and determine what other lands (if any) than those included in the assessment appealed from are or will be specially benefited by the proposed work or improvement and to add such lands to the assessment, notwithstanding such lands or any part thereof may not have been specified in any notice of appeal to the said judge; and the said judge shall cause all parties to be affected by the addition to the assessment of their lands, to be notified of the time and place when the said appeal and matter will be considered, and may for that purpose adjourn the hearing of the said appeal from time to time. (*New*.)

Rev. Stat. c.
184 amended.

39. *The Municipal Act* is amended by inserting therein after section 630, the following as section 630*a* :

Maintaining
and repairing
highways in
townships.

630*a*.—(1) In addition to the powers conferred upon the councils of townships by sections 612 and 628, both inclusive, and by section 630 of this Act, the council of any township, may, on the petition of two-thirds in number of the owners, representing one-half in value of the property proposed to be assessed and subject to the provisions of said sections, may pass by-laws providing for the maintenance and repair of any highway or portion thereof which has theretofore been a toll road, and has been abandoned as such, within the jurisdiction of such council, and may define by the same or any subsequent by-law what real property will be immediately benefitted by the work, and is to be charged with the cost thereof, and may also declare

declare what proportion of the cost is to be borne by the real property within the limits defined by the by-law, and what proportion shall be borne by the general funds of the township, and may also by by-law make provision for assessing and levying upon the property so defined the cost of such maintenance and repairs not provided by the township.

(2) Sub-section 3 of section 612 of this Act and section 624 shall not apply to work done under the provisions of this section.

40. Whenever there is a dispute between a county council and the council of any other municipality as to whether the duty or liability to build or maintain a bridge on any river or stream belongs to or rests upon such county council or such other council, either party to the dispute may bring and prosecute an action in the High Court of Justice for Ontario against the other to try the question in dispute, or the said court may, upon the application of either party, compel by mandamus the performance, by the party upon or to whom such duty or liability rests or belongs, of such duty or liability.

Proceedings where liability of municipality to erect bridge disputed.

41. The council of every city with a population of 100,000 or over may pass a by-law or by-laws for granting aid to the University of Toronto and may create a debt therefor, and may issue debentures for the amount of such debt, and no such by-law shall require the assent of the ratepayers of the municipality before the final passing thereof, unless such amount shall exceed \$500.

Municipal aid to University of Toronto.

42. Notwithstanding anything contained in section 612 of *The Municipal Act* or in any by-law of the municipality, the corporation of any city may construct and lay down a plank sidewalk upon and along any street, lane, alley or other thoroughfare or park in the said city as a local improvement, and the cost thereof may be assessed against the properties fronting or abutting thereon, if such sidewalk is in the opinion of two-thirds of the members present at any regular meeting of the city council desirable in the public interest.

Laying sidewalks as local improvements in cities.

43. Lands dedicated by any owner thereof for a street or public highway shall not be subject to any claim for dower by the wife of any person by whom the same was dedicated.

Lands dedicated for streets not subject to dower.

44. The municipal council of any city having a population of 50,000 or more may pass a general by-law prescribing the minimum width of streets, lanes, alleys or other public places within the municipality wherein dwelling houses may be erected or occupied and the minimum area of vacant land to be attached to and used with any dwelling house hereafter to be erected, as the courtyard or curtilage thereof, and the mode of erection of buildings occupied or intended

By-laws prescribing width of streets.

intended to be occupied as dwelling houses within the municipality or within any area or areas thereof to be defined by the said by-law or by any other by-law as may from time to time alter or amend or repeal any such by-law.

(2) Every such by-law before the final passing thereof shall be published in full twice in each week for four consecutive weeks in two newspapers published in the city with a notice appended thereto, stating the date when the council proposes to take the proposed by-law into consideration

50 V., c. 2, to
apply to Act.

45. The Act entitled *An Act respecting the Revised Statutes of Ontario, 1887*, passed in the fiftieth year of Her Majesty's reign, chaptered 2, from section 7 to section 10 thereof, both inclusive, shall in so far as the same may be applicable and unless where inconsistent with this Act, apply hereto.

Act to be read
with Rev. Stat
c. 184.

46. This Act shall be read with and form part of *The Municipal Act*, and except as hereinbefore provided with respect to sections 13 and 30, shall come into force on the first day of July, 1890, and as to those sections at the time therein respectively mentioned.

CHAPTER 51.

An Act to amend the Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Rev. Stat., c.
185, s. 31
amended.

1. Section 31 of chapter 185 of the Revised Statutes of Ontario is amended by striking out the words "District of Rainy River" in the second and third lines thereof, and substituting therefor the words "Districts of Rainy River and Thunder Bay."

CHAPTER 52.

An Act respecting Sales for Taxes in Muskoka and Parry Sound.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where lands have been sold for taxes in any of the municipalities in the districts of Muskoka and Parry Sound, before the 23rd day of March, 1889, the deeds for the lands so sold shall be executed by the treasurer and reeve of the municipality.

Tax deeds in certain cases to be given by reeve and treasurer.

2. Section 34 of chapter 185 of the Revised Statutes of Ontario, 1887, shall not apply to the districts of Parry Sound and Muskoka, whether the municipalities have been established under the provisions of the above Act or of *The Municipal Act*.

Rev. Stat. c. 185, s. 34, not to apply to Parry Sound and Muskoka.

3. Section 2 of the *Act to make further provision respecting the districts of Parry Sound and Muskoka*, is amended by striking out the word "Ontario," in the first line thereof, and substituting the word "Victoria" in lieu thereof.

52 V., c. 17, s. 2 amended

CHAPTER 53.

An Act to amend The Municipal Waterworks Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Municipal Waterworks Act* is hereby amended by inserting after section 35 thereof, the following as section 35a.

Rev. Stat. c. 192 amended.

35a. For the purpose of assisting in the payment of any debentures issued for the purposes of waterworks constructed under the provisions of this Act, and the interest thereon, it shall and may be lawful for the corporation to provide by by-law for the assessment and collection of a special tax or rate in each year, not exceeding four mills in the dollar upon the several properties, according to the assessed value thereof,

Power to levy special rate.

Power to
remit special
tax.

thereof, fronting or abutting upon the street in, through and along which the waterworks mains are laid, as well as all other properties which may enjoy the advantage of use of water from the said main distant not more than 300 feet therefrom for the purpose of protection against fire, whether the owners or ratepayers thereof use the water or not for general purposes, to meet the yearly interest on any debentures issued for the purposes of the said waterworks and to form a sinking fund for the payment of all said debentures; Provided that the collector of taxes upon the production by the owner or occupant using said water of the receipt for the payment of the rent chargeable for the use thereof, during the year, or such proportion thereof as shall equal such special tax, shall remit or allow to such owner or occupant the amount so paid as a payment *pro tanto* on account of the special tax authorized to be levied by this section.

Rev. Stat. c.
192 amended.

2. The said Act is amended by inserting immediately after section 45 of the said Act, the following:—

Construction
of mains etc.
for benefit of
individuals.

45a. In case any person or persons, being property owners within a municipality in which waterworks have been constructed under the provisions of this Act, shall petition the council of such municipality, asking for the construction of watermains, and other works necessary to connect their properties with the waterworks system of said municipality, the council may by by-law provide for the extension of the mains and pipes, and for all other work necessary to make such connection, and for permitting the petitioners to receive the benefit of such waterworks upon such terms as the council may deem just; and the by-law may further provide that the cost of the work so undertaken, shall be charged as an annual special rate upon the lands of the petitioners designated in the petition, and such rate shall be payable, whether the petitioners, or the owner or owners of the lands for the time being, continue the use of the water supplied or not.

CHAPTER 54.

The Assessment Amendment Act, 1890.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.
193, amended

1. *The Assessment Act* is amended by adding after section 29, the following as sections 29a, 29b, and 29c:

Assessment of
toll roads.

29a. Plank, gravel, macadamized or other toll roads shall be assessed as real estate in the municipality in which the same are

are situate, and in making the assessment the assessor shall take into consideration the value of (1) the land occupied by the road, (2) the materials employed in the superstructure, (3) toll houses, buildings and gates on the road, (4) quarries and gravel pits and roads to and from such places, and used in connection therewith, but this section shall not include bridges 100 feet in length or over, and the approaches thereto, which are on or along such toll road and which are used therewith.

29b. Every toll road owned by any municipality, corporation or person, upon which any toll is established, whether leased to a tenant or not, shall be assessed in the minor municipality in which the same is situate, and where the road extends or runs into or through more minor municipalities than one, each minor municipality shall assess that part thereof which lies within its limits, and according to the value of that part, whether a toll gate or bar is or is not upon the road in that municipality.

Toll roads owned by counties or cities.

29c. The stock or shares held by any person in any toll road and the dividends or income derivable therefrom are hereby exempted from assessment.

Exemption of shares in toll roads.

2. Sub-section 3 of section 68 of *The Assessment Act* is amended by adding thereto the following: "and shall, if in his opinion the appeals or any of them appear to involve the calling or examination of witnesses, fix the place for holding such court within the municipality from the court of revision of which such appeal is made, or at the place nearest thereto where the sittings of the division court within his jurisdiction are held."

Rev. Stat. c. 193, s. 68, sub-s. 3, amended.

Places for hearing appeals from courts of revision.

3. Section 124 of *The Assessment Act* is amended by inserting in said section immediately after the words, "his agent," where they occur in the fourth line thereof, the words "subject to the exemption provided for by sections 27 and 28 of *The Act respecting the Law of Landlord and Tenant*."

Rev. Stat. c. 193, s. 124, amended.

Rev. Stat. c. 143.

4. Notwithstanding anything contained in sections 55 and 56 of *The Assessment Act*, the council of any city having a population of 40,000 or over, may by by-law appoint in each year as the court of revision for the municipality three persons, none of whom shall be a member or officer of, or in the employment of the city council, and may provide by the same or any other by-law for the payment of the members of such court of revision; and such persons so appointed shall be a court of revision for such city, and the court shall have the same powers as a court of revision appointed under the above sections, and those sections of *The Assessment Act* and *The Municipal Act* which apply to courts of revision, and are not inconsistent herewith shall apply hereto, and this section may be read therewith.

Appointment of court of revision in large cities.

CHAPTER 55.

An Act respecting Exemptions from Municipal Assessments.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assessment of lands in connection with churches for local improvements.

1. Land on which a place of worship is erected, and land used in connection with a place of worship, shall be liable to be assessed in the same way and to the same extent as other land, for local improvements hereafter made or to be made.

Assessment of salaries and dwellings of clergymen.

2. The stipends or salaries of clergymen and ministers of religion, and parsonages or dwellings occupied by them with the lands attached thereto, shall be liable to assessment for all municipal purposes in the same manner, and to the same extent as the incomes, dwellings and property of other persons. The article numbered 25 of the 7th section of *The Assessment Act* is hereby repealed.

Rev. Stat. c. 193. s. 7, art. 25 repealed.

Assessment of colleges, etc.

3. The buildings and grounds of and attached to a university, college, or other incorporated seminary of learning, whether vested in a trustee or otherwise, shall be liable to be assessed in the same manner and to the same extent as other land is assessed for local improvements hereafter made or to be made. This section does not apply to schools which are maintained in whole or in part by a Legislative grant or a school tax.

Proviso.

Assessment of merchants.

4.—(1) In the case of persons carrying on a mercantile business in a municipality, the municipal council of the municipality may pass by-laws substituting, in respect of any class or classes of mercantile business, a business tax for the taxes on so much of the personal property of the ratepayer as belongs to the business, provided that such business tax does not exceed seven and a half per cent. of the annual value of the premises in which the business is carried on; and the council may in their by-law classify different kinds of mercantile business, and fix the business tax on the respective classes at such a percentage on the annual value of the premises occupied within the limits provided by this section as to the council may seem reasonable.

(2) For the purposes of this section the annual value of the premises in which the business is carried on shall be taken to be an amount representing seven per cent. on the assessed real value of the said premises.

5. This Act shall be read as part of *The Municipal Act* and *The Assessment Act* respectively as hereby and otherwise amended. Act incorporated with Rev. Stat. cap. 184 and 193.

6. This Act shall go into force on the first day of January next after the passing thereof. Commencement of Act.

CHAPTER 56.

An Act to improve The Liquor License Laws.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 14 of section 11 of *The Liquor License Act* is hereby repealed and the following substituted therefor: Rev. Stat. c. 194, s. 11, sub-s. 14, repealed.

(14.) In the case of an application for a tavern or shop license by a person who is not, at the time of making such application, a licensee under this Act, or in the case of an application for such license for or transfer thereof to premises which are not then licensed, the petition must be accompanied by a certificate signed by a majority of the electors entitled to vote at elections for the Legislative Assembly in the polling sub-division in which the premises sought to be licensed are situated, and the said majority must include at least, one-third of the said electors who are at the time of such application residents within the said polling sub-division. The foregoing shall not apply to the transfer of a license from the holder thereof to some other person for the same premises with the consent of the commissioners, nor to a licensee applying for a license for or permission of the commissioners to remove with his license to other premises in the same polling sub-division; provided that such license or permission shall not increase the number of licensed premises in such polling sub-division, and shall not be allowed if a majority of the electors duly qualified as aforesaid petition against the same on the grounds hereinbefore set forth or any of such grounds. Certificate required with application in case applicant is not a licensee.

(a) In case of any dispute as to whether the number of electors who have signed the certificate or petition hereinbefore mentioned compose a majority of the Clerk of municipality to certify in case of dispute.
the

the duly qualified electors of the sub-division, or include one-third of the resident electors, or, in case of a dispute as to whether any one or more persons who have signed the certificate or petition are duly qualified voters, or are residents of the sub-division, the clerk of the municipality in which the sub-division is situate, shall take evidence upon oath, or otherwise, and determine the question in dispute, and he shall in such case certify to the board, the number of duly qualified electors and of resident electors respectively for the sub-division and the number of duly qualified electors who have signed the certificate or petition as the case may be, and in the case of a certificate, the number of such last mentioned electors who are resident as aforesaid, and his certificate shall be final and conclusive.

As to unorganized districts.

- (b) In unorganized districts the said certificate shall be signed by at least eleven out of the twenty householders residing nearest to the premises in which the applicant proposes to carry on the business for which the license is required.

Form and requisites of certificate.

- (c) Such certificate shall be in the form N, in the schedule hereto, or to the like effect, in respect of the fitness of the applicant to have such license, and the premises in which it is proposed to carry on the business, and the desirability, on the ground of public convenience of having a license granted therefor.

Time for presenting certificate.

- (d) The certificate in support of any petition for a license to take effect from the first day of May, 1890, shall for the purposes of this section be in time if presented to the commissioners at or before their first meeting for considering applications.

Rev. Stat. c. 194, ss. 9, 10, 41 and 44, amended.

2.—(1) Section 9 of the said Act is hereby amended by striking out all after the word "situate" in the fifth line thereof.

(2) Section 10 of the said Act is hereby repealed and the following substituted therefor :

10. No license shall be issued for the sale of liquor on any vessel navigating any of the great lakes or the rivers St. Lawrence or Ottawa or any of the inland waters of the province of Ontario, nor shall any liquor be sold or kept for sale in any room or place on any such vessel.

(3) Section 41 of the said Act is hereby amended by striking out paragraph 5 of the first sub-section thereof relating to duties for vessel licenses and by striking out the second sub-section thereof.

(4) Section 44 of the said Act is hereby amended by striking out paragraph 4 of the first sub-section thereof relating to additional duties for vessel licenses.

3. Section 4 of the said Act is hereby amended by adding thereto the following sub-section:—

Rev. Stat. c.
194, s. 4,
amended.

(6) To remove doubts it is hereby declared to be and always to have been the true intent and meaning of this section that regulations duly passed by the board of license commissioners in accordance with the provisions thereof shall remain in force until amended or repealed by the same or any subsequent board of commissioners.

4. Section 53 of the said Act is hereby amended by striking out all the words after the word "club" in the fourth line thereof down to and including the word "Act" in the ninth line thereof.

Rev. Stat. c.
194, s. 53,
amended.

5. Sections 68 and 69 of the said Act are hereby amended by inserting after the words "convicted of" where they appear in the said sections, the words "having knowingly committed."

Rev. Stat. c.
194, ss. 68 and
69 amended.

6. Section 71 is hereby repealed and the following substituted therefor:—

Rev. Stat. c.
194, s. 71,
repealed.

71.—(1) Offences against sub-section 1 of section 54 of this Act shall be punishable on summary conviction as follows:—

Penalties for
contravention
of s. 54
sub-s. 1.
First offence.

(a) For the first offence, by the imposition of a penalty of not less than \$20, and not more than \$40 besides costs.

(b) For the second offence by the imposition of a penalty of not less than \$40 and not more than \$80, besides costs, or twenty days imprisonment with hard labour.

Second of-
fence.

(c) For the third offence, by the imposition of a penalty of not less than \$50 and not more than \$100 besides costs, or fifty days imprisonment with hard labour, and such conviction for a third offence shall in addition to any other punishment by law provided, *ipso facto*, operate as a forfeiture of the license held by the person so convicted, and disqualify him from obtaining a license for two years thereafter.

Third offence

(2) Where in any such conviction a penalty in money is imposed under the preceding sub-section, the Justice shall order or adjudge that the same and any sums also awarded for costs may be recoverable by distress and sale of the goods and chattels of the defendant, and that in default of sufficient distress, the offender be imprisoned in the county gaol of the county in which the conviction is made, for a period not exceeding fifteen days in the case of a first offence, twenty

Recovery of
penalties by
distress.

twenty days in the case of a second offence, and fifty days in the case of a third offence, in each such case with hard labour, unless in each such case the penalty and costs by the conviction adjudged to be paid, and all costs and charges of the distress and also the costs and the charges of the commitment and conveying of the defendant to prison, (the amount thereof being ascertained and stated in the warrant of commitment) are sooner paid.

Penalty for
contravention
of s. 58,
sub-s. 1.

(3) Every person convicted of an offence against sub-section 1 of section 58 of this Act shall be liable to a penalty for each offence of not more than \$10 and not less than \$2, besides costs.

Costs of com-
mitment and
conveying to
gaol.

7.—(1) In all cases of convictions under *The Liquor License Act* or of this Act, where the Justice or Justices are authorized to adjudge that a penalty in money, or a penalty in money and costs, be paid by the defendant, and that in default of payment thereof, the defendant be imprisoned for any period, with or without hard labour, the Justice or Justices may by the conviction adjudge that the defendant be imprisoned, unless the sum or sums adjudged to be paid, and also the costs and charges of the commitment and conveying of the defendant to prison are sooner paid.

(2) The amount of the costs and charges of the commitment and conveying of the defendant to prison are to be ascertained and stated in the warrant of commitment.

Rev. Stat. c.
194, s. 76,
amended.

8. Section 76 is hereby amended by striking out the word "sixteen" in the fourth line thereof, and substituting therefor the word "eighteen," and by adding to the said section the following as sub-section 2 thereof:—

Supplying
liquor to
minors after
notice.

(2) Any licensed person who allows to be supplied in his licensed premises, by sale or otherwise, any description whatever of liquor to any person under the age of twenty-one years (hereinafter called the minor) in respect of whom a notice in writing has been given to any such licensed person, signed by the father, mother, guardian or master of such minor, correctly stating the age of such minor, and forbidding such licensed person to sell or supply such minor with liquor, the said minor not being resident on the premises or a *bona fide* guest or lodger, shall, as well as the person who actually gives or supplies the liquor, be liable to pay a penalty of not less than \$10 and not exceeding \$20 besides costs for every such offence.

Rev. Stat. c.
194, s. 79,
amended.

9. Section 79 is hereby amended by striking out the words "section 70" in the twentieth line thereof, and substituting therefor the words "section 85."

Rev. Stat. c.
194, s. 88,
repealed.

10. Section 88 is hereby repealed.

11. Section 96 is hereby amended by striking out the words "section 70" in the fourth line of said section, and substituting therefor the words "section 85." Rev. Stat. c. 194, s. 96, amended.

12. Sub-section 6 of section 101 is hereby amended by inserting after the words "section 70," in the fifth line thereof the words "or 85," and by inserting after the words "section 70" where they occur in the eighth and fourteenth lines thereof, the words "or 85 as the case may be." Rev. Stat. c. 194, s. 101, sub-s. 6, amended.

13. Section 112 is hereby amended by adding thereto the following sub-section:— Rev. Stat. c. 194, s. 112, amended.

(3) For the purposes of this section any person being an owner or lessee in actual occupation and possession of the premises, or anyone who being in actual occupation and possession leases or sub-lets any part thereof in which liquors are kept for sale, barter or trading therein, or in which they are sold or consumed, shall be deemed to be an occupant unless such leasing or sub-letting shall have received the consent in writing of the board of license commissioners.

14. Sub-section 2 of section 118 is hereby repealed and the following substituted therefor:— Rev. Stat. c. 194, s. 118, sub-s. 2, repealed.

(2) Subject to the provisions contained in the following sub-sections hereof, an appeal shall lie to the Judge of the County Court of the county in which the conviction is made, sitting in Chambers without a jury in all cases where the person convicted is a licensee or the conviction is for any offence committed on or with respect to premises licensed under this Act, provided a notice of such appeal is given to the prosecutor or complainant within five days after the date of the said conviction. Procedure on appeals.

15. Section 125 is hereby amended by inserting the words "giving or" before the word "requiring" in the 18th line thereof. Rev. Stat. c. 194, s. 125, amended.

16. Sub-section 2 of section 127 is hereby amended by striking out the following words at the commencement thereof, "One of such officers may be designated provincial inspector, and it shall be his duty," and substituting therefor the following: "Two of such officers may be designated provincial inspectors and it shall be their duty." Paragraph (e) of the said sub-section is also hereby amended by substituting for the words "When the said provincial inspector" at the commencement thereof the words "When either of the said provincial inspectors." Rev. Stat. c. 194, s. 127, sub-s. 2, amended.

17. Section 132 is hereby amended by adding thereto the following sub-section. Rev. Stat. c. 194, s. 132, amended.

(2) Any inspector, policeman, constable or officer having in pursuance of the two preceding sections or either of them entered Officer may demand names and addresses

of frequenters
of unlicensed
premises.

entered any unlicensed premises in which he seizes or from which he removes any such liquor as aforesaid, may demand the name and address of any person found in such premises, and if such person refuses to give his name and address, or if the inspector, policeman, constable or officer, has reasonable ground to suppose that the name or address given is false, may examine such person further as to the correctness of such name or address, and may if such person fail upon such demand to give his name or address or to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer, apprehend him without warrant and carry him, as soon as practicable, before a Justice of the Peace.

Penalty for
giving false
information.

Any person found on the premises as aforesaid who in answer to the inspector, policeman, constable or officer, refuses to give his name and address or gives a false name or address, or gives false information with respect to such name or address, or fails to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer, shall be liable to a penalty of not less than \$10 nor more than \$20 besides costs, and in default of payment shall be imprisoned for a period of not less than twenty and not more than forty days.

Preamble.

18. Whereas the following provision of this section was at the date of Confederation, in force as a part of *The Consolidated Municipal Act*, (29 & 30 V. c. 51, s. 249, sub-s. 9), and was afterwards re-enacted as sub-s. 7 of s. 6 of 32 V. c. 32, being *The Tavern and Shop License Act* of 1868, but was afterwards omitted in subsequent consolidations of *The Municipal and The Liquor License Acts*, similar provisions as to local prohibition being contained in *The Temperance Act* of 1864, 27 & 28 Vict., c. 18; and the said last-mentioned Act having been repealed in municipalities where not in force by *The Canada Temperance Act*, it is expedient that municipalities should have the powers by them formerly possessed; it is hereby enacted as follows:

Powers of
municipal
councils as
to prohibiting
sale of liquor.

The council of every township, city, town and incorporated village, may pass by-laws for prohibiting the sale by retail of spirituous, fermented or other manufactured liquors, in any tavern, inn or other house or place of public entertainment, and for prohibiting altogether the sale thereof in shops and places other than houses of public entertainment: Provided that the by-law, before the final passing thereof, has been duly approved of by the electors of the municipality in the manner provided by the sections in that behalf of *The Municipal Act*: Provided further that nothing in this section contained shall be construed into an exercise of jurisdiction by the Legislature of the Province of Ontario beyond the revival of provisions of law which were in force at the date of the passing of *The British North America Act*, and which the subsequent legislation of this Province purported to repeal.

SCHEDULE

SCHEDULE N.

To the Board of License Commissioners of the License District of

We, the undersigned electors of polling sub-division number of the , wherein are situate the premises in respect of which X. Y. is applying for a license for the ensuing license year, do hereby certify that X. Y., the applicant for the said license, is a fit and proper person to be licensed to sell liquors and to keep a , and that the premises in which the said X. Y. proposes to carry on the business for which he seeks a license, are, in our opinion, suitable therefor, and that the same are situate in a place where the carrying on of the said business will not be an annoyance to the public generally.

And we have hereto appended our names, and the distances approximately, at which we respectively reside, or own property, from the said premises for which the license is sought.

Signatures.

} Distance of premises
} respectively from
} premises sought to
} be licensed.

CHAPTER 57.

An Act to amend the Act to regulate travelling on Public Highways and Bridges.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of the *Act to regulate travelling on Public Highways and Bridges* is amended by adding the following thereto:—

Rev. Stat. c.
195, s. 2,
amended.

“And any person so overtaking another vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman so overtaken, and the person so overtaken shall not be required to leave more than one-half of the road free.”

2. This Act shall not come into force until the first day of August next after the passing thereof.

Commence-
ment of Act.

CHAPTER

CHAPTER 58.

An Act to amend the Act respecting Snow Fences.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 198, s. 1, sub-s. 2, repealed. 1. Sub-section 2 of section 1 of the *Act respecting Snow Fences* is repealed.

CHAPTER 59.

An Act to amend the Act to Prevent the Spread of Noxious Weeds, and of Diseases Affecting Fruit Trees.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 202 s. 3, amended. 1. Section 3 of the *Act to Prevent the Spread of Noxious Weeds and Diseases affecting Fruit Trees* is amended by adding the following sub-section thereto:

Division of municipalities into sections and appointment of inspectors. (4) The council may pass a by-law dividing the municipality into such sections or divisions as may be necessary for the carrying out of this Act, and may appoint inspectors for such divisions whose duties and powers shall in all respects be the same as that of the township inspector.

CHAPTER 60.

An Act to amend The Ontario Tree-Planting Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:

1. Section 5 of *The Ontario Tree-Planting Act* is amended by striking out the words "that the distance between any one tree and the tree nearest thereto is not less than thirty feet," in the sixth and seventh lines thereof, and by inserting at the end of the said section the words following, "provided that in no case shall the council be liable to pay a larger sum in respect of trees planted under this Act than would be payable if the same had been planted at a distance of thirty feet apart, and in no case shall a bonus be granted where the trees are less than fifteen feet apart." Rev. Stat.
c. 201, s. 5
amended.

CHAPTER 61.

An Act to amend the Public Health Act in respect to the Sale of Milk and Meat from Animals affected with Tuberculosis.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 99 of *The Public Health Act* is amended by adding the following sub-sections thereto:— Rev. Stat.
c. 205, sec. 99,
amended.

(3) Whenever a medical health officer from his own knowledge or from information received from a veterinary surgeon or other qualified person has reason to believe that any animal or the meat or milk of any animal is affected with any contagious or infectious disease named in section 2 of *The Animal Contagious Diseases Act*, chapter 69 of the Revised Statutes of Canada (1886), he may take action as provided under sub-section 1 of this section. Medical
health officer
to take action
when aware of
disease in
animals, meat
or milk.

(4) Any officer of the Provincial Board of Health may similarly, at all reasonable times, carry out any of the provisions contained in this section. Officers of
Provincial
board may
act.

(5)

Penalty for keeping diseased animals, or meat, or milk for sale as food.

(5) The owner or other person having charge of any animal or meat or milk of any animal affected with the said diseases, who knowing the nature of the disease, shall hold the animal or its meat or milk for human food shall be liable, upon conviction before a police magistrate or two justices of the peace, to a fine not exceeding \$50 or less than \$5 and costs; and the burden of proof that the animal, meat or milk was not intended for human food or to be sold for human food shall rest with the person charged.

Half of penalty to be paid to informer.

(6) Any person who gives such information to a health officer or shall make such complaint to a justice of the peace as shall lead to the conviction of any person for a breach of the provisions of this section shall be entitled to receive one-half of the penalty imposed upon the person so convicted, and the other half of the penalty shall be paid to the municipality in which the offence was committed.

Scientific examination of tissue, meat or milk upon prosecution.

(7) Upon any prosecution under sub-section 5 of this section it shall be competent for any medical health officer to make or cause to be made or request the Provincial Board of Health to make, at the cost of the municipality, such scientific examination of the animal, meat or milk suspected of being diseased as may enable the court to determine whether or not such disease exists; and the Minister of Agriculture may instruct the secretary of the Board or other person acting under the board to make such investigation, and the expenses of such investigation shall be supplied out of the moneys set apart by the Legislative Assembly for the investigation of contagious diseases. A fee, which shall not in any case exceed \$10, shall be payable for the examination of any tissue, meat or milk under the provisions of this sub-section.

CHAPTER 62.

An Act to amend the Act to impose a Tax on Dogs, and for the Protection of Sheep.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 214, s. 1, repealed.

1. Section 1 of the *Act to impose a Tax on Dogs and for the Protection of Sheep* is repealed and the following is substituted therefor:

Annual tax on dogs.

1. Subject to the provision in the following section, there shall be levied annually, in every municipality in Ontario, upon the owner, possessor or harbourer of each dog therein

an

an annual tax of \$1 for a dog and \$2 for a bitch. Provided, nevertheless, that the owner or possessor of a kennel of pure bred dogs which are registered in the "Canada Kennel Register," may in any year obtain from the treasurer of the municipality a certificate of having paid to such treasurer the sum of \$10 as a tax upon such kennel for that year, and upon the production thereof to the assessor, the owner or possessor of such kennel shall be exempt from assessment and any further tax in respect thereof for the said year.

2. Section 2 of said Act is repealed and the following substituted therefor:—

Rev. Stat., c. 214, s. 2, repealed.

2. Upon the petition of 25 ratepayers it shall be lawful for the council of any city, town, township or incorporated village, to provide by by-law that the said tax or any part of it shall not be levied in said municipality.

Municipal Council may declare that tax not to be levied.

3. Section 4 of the said Act is amended by inserting the word "possessor" after the word "owner" in the first line of the said section.

Rev. Stat., c. 214, s. 4, amended.

4. Section 5 of the said Act is amended by inserting the word "possessor" after the word "owner" in the third line of the said section.

Rev. Stat., c. 214, s. 5, amended.

5. Section 6 of the said Act is amended by striking out all the words between the word "owners" in the sixth line and the word "and" in the tenth line and inserting in lieu thereof the words "possessors or harbourers thereof."

Rev. Stat., c. 214, s. 6, amended.

6. Section 9 of the said Act is amended by adding the following thereto:

Rev. Stat., c. 214, s. 9, amended.

"Or any dog which he finds straying between sunset and sunrise on any farm whereon sheep are kept. Provided, always, that no dog so straying, and which belongs to, or is kept, or harboured by the occupant of any premises next adjoining said farm or next adjoining that part of any highway, or lane which abuts on said farm, nor any dog so straying, either when securely muzzled, or when accompanied by, or being within reasonable call or control of any person owning, or possessing, or having the charge or care of said dog, shall be so killed unless there is reasonable apprehension that such dog, if not killed, is likely to pursue, worry, or wound sheep or lambs then on the said farm

7. Section 17 of the said Act is amended by inserting after the words "aggrieved party" in the eighth line of the said section the words "two-thirds of"; and by striking out the words "saving and excepting" in the tenth line and inserting instead the words "in addition to."

Rev. Stat., c. 214, s. 17, amended.

Rev. Stat., c.
214 ss. 8,
and 21, re-
pealed.

8. Sections 8 and 21 of the said Act are amended by striking out the words "county or union of counties" in the first line thereof and inserting instead thereof the words "city, town, township or incorporated village"; and by striking out sub-section 2 of said section 8.

Commence-
ment of Act.

9. This Act shall come into force on the first day of January, 1891.

CHAPTER 63.

An Act to amend the Act to authorize the appointment of Fire Guardians, and for the better Prevention of Bush Fires.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

52 V. c. 46, s.
1, amended.

1. Section 1 of the Act passed in the 52nd year of Her Majesty's reign, and chaptered 46, entitled, *An Act to authorize the appointment of Fire Guardians and for the better prevention of Bush Fires*, is amended by striking out the words "at its first meeting in any year hereafter, or at a special meeting to be called for the purpose within two months after the passing of this Act," in the first sub-section thereof, and by inserting in lieu thereof the words "at any meeting to be held before the 1st day of April in any year."

CHAPTER 64.

An Act to provide means of Extinguishing Forest Fires.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Persons liable
for statute
labour may be
called upon to
work to
extinguish
forest fires.

1.—(1) The county council of each county may provide by by-law that fire guardians, fenceviewers, overseers of highways or pathmasters, appointed by township councils, whenever the woods or prairies in any township are on fire, so as to endanger property, shall order as many of the inhabitants of such township

ship liable to work on the highways and residing in the vicinity of the place where such fire shall be as they shall severally deem necessary, to repair to the place where such fire prevails, and there to assist in extinguishing the same, or in stopping its progress.

(2) In portions of the Province where there are no county councils the council of any township may pass the by-law mentioned in the foregoing section.

2. Such fire guardians, fenceviewers, overseers of highways or Pathmasters, may give to such persons as may be employed by them respectively in so doing, certificates of having performed statute labour to the amount of the days work done, and such work shall be allowed for to such persons in their next season's statute labour, or if such persons are not liable to perform statute labour, the council may direct that such work shall be paid for out of the funds of the municipality, and they shall be entitled to be paid the amount of such certificate by the township treasurer, and such county council may also provide for the application by such township council of so much of the commutation of statute labour fund as may be required for assisting to extinguish or stop the progress of such fires within their respective municipalities.

Work done to be allowed for as statute labour.

3. In the event of a township council neglecting to provide for the application by such township council of so much of the commutations of statute labour fund, or payment of amount as may be required in the next preceding section of this Act, the county council shall be entitled to do so, and to pay the amount of the said certificates, and to impose upon the township so in default a rate sufficient for that purpose, and such rate shall be levied and collected in the manner provided by *The Assessment Act* as to the collection of county rates.

Upon default of townships, county may provide for payment of work.

4. Any person who is liable to perform statute labour and refuses or neglects to turn out and work under any fire guardian, fenceviewer, overseer of highways or pathmaster, who warns him out for that purpose under the authority of this Act, shall be liable to a fine not exceeding \$20 nor less than \$1, over and above costs, and in case of non-payment, to imprisonment for a term not exceeding twenty-one days.

Penalty for refusing to assist in extinguishing fires.

CHAPTER 65.

An Act to make further provision for preventing the Spread of Contagious Diseases among Horses.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpretation. 1. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :

“Veterinarian.” “Veterinarian” means a veterinary surgeon duly registered by the Council of the Agriculture and Arts Association of Ontario.

“Veterinary Inspector.” “Veterinary Inspector” means any veterinarian specially appointed by the Government of Ontario.

“Inspector.” “Inspector” means any inspector appointed by the Government of Ontario or by a municipality.

“Place.” “Place” means and includes any public highway, street, road, lane, alley, way, or other communication, any public place or square, also any common, field, stable, shed, or any and all premises where any disease under this Act is found to exist or to have existed.

“Horse.” “Horse” means a stallion or mare.

“Disease.” “Disease” means equine syphilis or other malignant venereal disease.

Minister to be notified of existence of disease. 2. Where it appears to any person that any horse is affected with disease such person shall at once notify the Minister of Agriculture by transmitting to him a declaration made before a justice of the peace, commissioner, or notary public, that he has reason to believe that such horse is affected with disease, and shall also notify any other person known to such person to have jurisdiction in the matter. Any person who maliciously and without reasonable and probable cause gives the notice mentioned in this section, shall be liable to a penalty of not less than \$25 nor more than \$50.

Precautions to prevent spread of disease. 3. Where the owner or other person having charge of a horse has reason to suspect the existence of disease in said horse, he shall at once take all reasonable precaution to prevent the spread of disease to other horses until it has been determined by a veterinary inspector that the horse is free from disease.

4. Where it appears to any inspector under this Act that any horse is affected with disease, he shall at once notify the owner or other person in charge of such horse, and shall also at once report the matter to the Department of Agriculture. Notice by veterinarian.

5. Where it appears to any inspector appointed under this Act that a horse is affected with disease, he shall cause the same to be safely kept where it will not be brought into contact with, or be in danger of transmitting the disease to other horses. Inspector to take charge of horse.

6. The Minister of Agriculture may from time to time appoint an inspector or inspectors under this Act. Veterinary inspectors appointed under this Act shall perform their duties within the limits of the district assigned to them under this Act. They may further, when so directed by the Minister, carry out any order or regulation made under this Act, in any other part of the Province than that for which they are specially appointed. Appointment of inspectors.

7. Any inspector under this Act shall have power to enter in or upon any premises in the performance of any duty laid upon him by this Act, or any regulation made under the provisions of this Act, and may call upon any constable or other person to aid him, under penalty hereinafter mentioned for default in so doing, in executing any action taken under this Act, or any regulation made under this Act. Powers of inspectors.

8. Wherever it shall appear proper, the Minister of Agriculture may direct any veterinary or other inspector under this Act, to examine into any alleged outbreak of the said disease; to cause such scientific investigations to be made with a view to determining the nature and source of the outbreak as under the circumstances are deemed necessary, and to take (in case the investigation shows reasonable grounds for so doing) such measures for its suppression or limitation as are laid upon him by this Act, or by any regulations made under the provisions of this Act. Minister may direct inquiries to be made.

9.—(1) The council of any county, city, or town separated from a county for municipal purposes, may, by by-law, make provision for the inspection and examination by competent veterinarians of all horses, or may limit the operation of such by-law to stallions alone intended for breeding purposes during any year, in such county, city or town; the examination being for the purpose of ascertaining whether such horses or stallions are free from disease. The said council may also prescribe such regulations as may seem desirable in connection with the examination, and also direct how the expenses of the examination shall be paid. By-laws of county councils.

(2) Where no by-law has been passed by any county under the preceding sub-section, the council of any township or incorporate By laws of township councils.

porated village situate in such county may pass a by-law for the purposes mentioned in said sub-section; Provided that if the county council shall afterwards pass such by-law, the by-law in force in any township or village in said county shall become inoperative.

Lieutenant-Governor may make regulations.

10. The Lieutenant-Governor in Council may from time to time make such regulations under this Act as may seem necessary for the carrying out of its provisions.

Certificate of Inspector to be evidence.

11. The certificate of a veterinary inspector to the effect that an animal is affected with disease, shall for the purposes of this Act, be *prima facie* evidence in all courts of justice and elsewhere of the matter certified.

Recovery of penalties.

12. Every penalty imposed by this Act shall be recoverable with costs, before any justice of the peace having jurisdiction, or any magistrate having the powers of two justices of the peace under *The Act respecting Summary Convictions before Justices of the Peace*.

Where offences to be deemed to have been committed.

13. For the purpose of proceeding under this Act, every offence against it shall be deemed to have been committed, and every cause of complaint under this Act shall be deemed to have arisen, either in the place where the same actually was committed or arose, or in any place in which the person charged or complained against happens to be.

Refusing to admit inspector.

14. Every person who refuses to admit any inspector acting under this Act, or under regulations or orders made in conformity with this Act, to any common, field, stable, or other premises within his district where such inspector has reasonable ground to believe that any horse affected with disease, or other matter or thing exposed to such infection, is to be found, shall for every such offence incur a penalty not exceeding \$50.

Obstructing inspector.

15. Every person who obstructs or impedes an inspector or other officer acting in execution of the provisions of this Act, or of any order of, or regulation made by the Lieutenant-Governor in Council, or the Minister of Agriculture thereunder, and every person who aids and assists him therein, shall for each offence incur a penalty not exceeding \$100, and the inspector or other officer may apprehend the offender and take him forthwith before a justice of the peace to be dealt with according to the law; but no person so apprehended shall be detained in custody, without the order of a justice, longer than twenty-four hours.

Selling or exposing for sale diseased animals.

16. Any person who exposes for sale or sells any horse which he has reasonable grounds for suspecting is affected with disease or which has been pronounced by any veterinary inspector

Inspector as diseased and unfit for breeding purposes, shall be liable to a penalty of not less than \$100 nor more than \$500 for the first offence and to the same fine and also imprisonment for a period of not less than two months for any second or subsequent offence.

17. Any person violating any of the provisions contained in this Act, respecting which no express penalty is provided herein, shall be guilty of an offence under this Act, and shall on conviction forfeit and pay a sum not exceeding \$100 for each offence. Penalty for other offences

CHAPTER 66.

An Act for the Suppression of Foul Brood among Bees.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) The Ontario Bee-Keepers' Association shall at each annual meeting, or the directors of the said association shall, if in the interval between two annual meetings the occasion should arise, appoint an inspector of apiaries and a sub-inspector for the Province of Ontario, and the said inspector and sub-inspector shall be elected by the vote of the majority of the members of said association present at the annual meeting, or the vote of the majority of the directors as the case may be. Any annual meeting may delegate the annual appointment of an inspector and sub-inspector to the newly elected board of directors. Appointment of inspector of apiaries.

(2) The said sub-inspector may, when so directed, as herein-after provided, perform all the duties and exercise all the powers in this Act directed to be performed or exercised by the inspector, and the provisions of this Act relating to the inspector shall be deemed to apply to and include the said sub-inspector.

(3) The inspector or sub-inspector on entering upon any premises in the discharge of his duties shall, if so required, produce the certificate of the president of the said association, that he has been appointed as such inspector, or sub-inspector, as the case may be.

2. The said inspector and sub-inspector shall hold office for one year from the date of the annual meeting at which they were appointed, or if they shall have been appointed by the directors, Term of office of inspector and sub-inspector.

directors, then until the next annual meeting after such appointment, and shall be eligible for re-election, but the said inspector or sub-inspector may at any time, subject to the approval of the Lieutenant-Governor in Council, be removed from office by the directors, for neglect of duty or other sufficient cause, and in case of such removal the directors shall without delay appoint a successor.

Inspection of
infected
apiaries.

3. The said inspector shall, whenever so directed by the president of the Ontario Bee-Keepers' Association, visit without unnecessary delay any locality in the Province of Ontario and there examine any apiary or apiaries to which the said president may direct him, and ascertain whether or not the disease known as "foul brood" exists in such apiary or apiaries, and whenever the said inspector shall be satisfied of the existence of foul brood in its virulent or malignant type, it shall be the duty of the inspector to order all colonies so affected, together with the hives occupied by them, and the contents of such hives and all tainted appurtenances that cannot be disinfected, to be immediately destroyed by fire under the personal direction and superintendence of the said inspector, and after inspecting infected hives or fixtures or handling diseased bees, the inspector shall, before leaving the premises, or proceeding to any other apiary, thoroughly disinfect his own person and clothing, and shall see that any assistant or assistants with him have also thoroughly disinfected their persons and clothing; provided, that where the inspector, who shall be the sole judge thereof, shall be satisfied that the disease exists, but only in milder types and in its incipient stages, and is being or may be treated successfully, and the inspector has reason to believe that it may be entirely cured, then the inspector may, in his discretion, omit to destroy, or order the destruction of the colonies and hives in which the disease exists.

Box-hives.

4. The inspector shall have full power, in his discretion, to order any owner or possessor of bees dwelling in box-hives, in apiaries where the disease exists (being mere boxes without frames,) to transfer such bees to movable frame hives within a specified time, and in default of such transfer, the inspector may destroy, or order the destruction of, such box-hives and the bees dwelling therein.

Penalty for
disposing of
infected bees
or appliances.

5. Should the owner or possessor of diseased colonies of bees, or of any infected appliances for bee-keeping, knowingly sell or barter, or give away such diseased colonies or infected appliances, he shall, on conviction before any justice of the peace, be liable to a fine of not less than \$50 or more than \$100, or to imprisonment for any term not exceeding two months.

Selling bees
after treat-
ment, or ex-

6. Should any person whose bees have been destroyed or treated for foul brood, sell, or offer for sale any bees, hives, or appurtenances

appurtenances of any kind, after such destruction or treatment, and before being authorized by the inspector so to do, or should he expose in his bee-yard, or elsewhere, any infected comb, honey, or other infected thing, or conceal the fact that said disease exists among his bees, he shall, on conviction before a justice of the peace, be liable to a fine of not less than \$20 and not more than \$50, or to imprisonment for a term not exceeding two months, and not less than one month.

7. Should any owner or possessor of bees refuse to allow the inspector or his assistant or assistants to freely examine said bees, or the premises in which they are kept, or should such owner or possessor refuse to destroy the infected bees and appurtenances, or permit them to be destroyed when so directed by the inspector, he may, on the complaint of the inspector, be summoned before a justice of the peace, and, on conviction, shall be liable to a fine of not more than \$50 or less than \$25 for the first offence, and not more than \$100 or less than \$50 for the second and any subsequent offences, and the said justice of the peace shall make an order directing the said owner or possessor forthwith to carry out the directions of the inspector.

Penalty for obstructing inspector.

8. Where an owner or possessor of bees shall disobey the directions of the said inspector or offer resistance to, or obstruct the said inspector, a justice of the peace may upon the complaint of the said inspector cause a sufficient number of special constables to be sworn in, and such special constables shall under the directions of the inspector proceed to the premises of such owner or possessor and assist the inspector to seize all the diseased colonies and infected appurtenances and burn them forthwith, and if necessary the said inspector or constables may arrest the said owner or possessor and bring him before a justice of the peace to be dealt with according to the provisions of the preceding section of this Act.

Special constables may be sworn in to assist inspector.

9. Before proceeding against any person before a justice of the peace, the said inspector shall read over to such person the provisions of this Act or shall cause a copy thereof to be delivered to such person.

Inspector to inform offender of provisions of Act.

10. Every beekeeper or other person who shall be aware of the existence of foul brood either in his own apiary or elsewhere shall immediately notify the president of the Ontario Bee-Keepers' Association of the existence of such disease, and in default of so doing shall on summary conviction before a justice of the peace be liable to a fine of \$5 and costs.

Person aware of disease to notify president of Bee-Keepers' Association.

11. Upon receiving the notice in the preceding section mentioned or in any way becoming aware of the existence of foul brood in any locality, the said president shall immediately direct the said inspector to proceed to and inspect the infected premises;

President to order inspector to visit infected premises.

Proviso.

premises : provided that when the person giving such notice is unknown to said president, or there is reason to believe that the information in said notice is untrustworthy, or that the person giving such notice is actuated by improper motives, then the said president may require the person giving such notice to deposit the sum of \$5 with the president as a guarantee of good faith, before the said notice shall be acted upon, and if it shall prove that said notice was properly given then the said deposit shall be returned to the person giving such notice, but otherwise the said deposit shall be forfeited to the use of the said Ontario Bee-Keepers' Association.

Annual report
of association.

12. The said association shall include in its annual report to the Minister of Agriculture a statement of the inspector's work during the preceding year, which statement shall include the number of colonies destroyed by order of the inspector, and the localities where found, and the amount paid to him for his services and expenses for the preceding year.

Regulations
for guidance
of inspector.

13. The directors of the said association may from time to time make such by-laws and regulations for the control and guidance of the inspector in carrying out the provisions of this Act as they may deem necessary, and the said directors shall also by by-law fix the amount of the remuneration of the said inspector and sub-inspector, but all such by-laws and regulations shall be subject to the approval of the Minister of Agriculture.

CHAPTER 67.

An Act respecting the expenses of County Court Judges under The Ditches and Watercourses Act and The Line Fences Act.

[Assented to 7th April, 1890.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

County
Judge's
expenses
when acting
under Rev.
Stat. c. 220 or
c. 219.

1. A county court judge shall be entitled to be paid the actual expenses incurred by him in case he inspects the premises in respect of which appeals are made to him under *The Ditches and Watercourses Act* or *The Line Fences Act*.

Judge to fix
amount of ex-
penses.

2. He shall in the order setting aside, altering or affirming the award, fix the amount of such expenses and the person by whom the same shall be paid.

3. The judge shall be paid the amount so fixed by him by the municipality in the same manner as the engineer's fees are paid in respect of *The Ditches and Watercourses Act*, and as the fence viewer's fees are paid in respect of *The Line Fences Act*, and such municipality shall collect the same as provided in the said Acts respectively.

Municipality
to pay ex-
penses and
collect
amount

CHAPTER 68.

An Act to amend The Ditches and Watercourses Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 11 of *The Ditches and Watercourses Act* is amended by inserting the following as subsection (2a).

Rev. Stat.,
c. 220, s. 11,
amended.

(2a) The appellant may have the lands and premises inspected by another engineer, who for such purpose may enter upon such lands and premises.

Inspection of
premises by an
engineer.

CHAPTER 69.

An Act to amend The Ditches and Watercourses Act as applied to Railways.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Every railway company owning or operating a railway in the Province of Ontario shall for the purposes of this Act be considered an owner of lands under the provisions of *The Ditches and Watercourses Act*.

Railway com-
panies to be
deemed
owners of
lands within
Rev. Stat. c.
220.

2. All notices which require to be served upon any such railway company under the provisions of this Act, shall be served upon the manager; and any duties that such manager performs, or causes to be performed by any engineer, assistant engineer, or any person acting under his instructions, shall be deemed to be performed by the railway company.

Notices to be
served on
manager of
company.

Ditches,
drains, creeks,
and water-
courses on
lands of rail-
ways.

3.—(1) Every existing ditch, drain, creek, or watercourse, situate on the property of any such railway company, and running along or under the railway, may be deepened, widened or extended, and any existing bridge or culvert in the road-bed of such railway may also be deepened or widened, or a new bridge or culvert may be constructed, when it is found and reported upon by the engineer of the municipality, or agreed and reported upon as hereinafter provided, that such ditch, drain, creek or watercourse, or the widening, deepening or construction of any such bridge or culvert is necessary as an outlet for any creek or watercourse, or any ditch or drain that has been or may be constructed under the provisions of the said Act or of any previous Act, and that such can be done without detriment to the safety of the railway.

(2) The ditch or drain which may be constructed through the lands of the railway may be either covered or open as the said engineer may report.

(3) The aforementioned work shall be done in such a manner as not to injure the bridges, culverts, or road-beds of the railway or in any way to interfere with the traffic thereof.

(4) In any case when any such ditch or drain will require to be carried through any cutting of the railway, the consent of the railway company shall be first obtained.

Plans to be
filed with
report of
engineer.

4. The said engineer when he reports that any ditch, drain, creek or watercourse, running along or under any railway, is required to be used for the purposes aforesaid, and also, that any bridge or culvert is required to be enlarged by the deepening or widening of the same, or that a new bridge or culvert is required, shall file with such report a plan or profile of such drain, creek, or watercourse, and also a plan or profile of the enlargement of any bridge or culvert, but only to shew the extent, depth and width of the required enlargement of such bridge or culvert, or of any new bridge or culvert (as the case may be) together with a statement of the estimated cost of the work to be done upon the lands of the railway, including the cost of any excavation required to be made in enlarging or constructing any bridge or culvert; and such report shall be filed with the clerk of the municipality within the time specified in section 10 of the said Act.

Proceedings
upon the
report of
municipality's
engineer.

5.—(1) When so found and reported, the clerk of the municipality shall within six days after the filing of the report, send to the manager of the railway company, by registered letter a copy of so much of the report as relates to the work upon the lands of the railway company, together with a copy of the plan or profile of said work with a statement of the estimated cost of such work as made by the said engineer.

(2) The manager of the railway or some one acting in his behalf, shall within fifteen days after receiving such report forward

forward to the clerk of the municipality, by registered letter, a notice stating whether he approves or disapproves of said report; if he approves of said report his letter of approval shall be filed in the clerk's office with the report of the engineer, and said report shall be binding upon all parties concerned, and who are liable for the performance of the work, or the cost of the same, upon the lands of the railway company, and shall not be subject to appeal except as hereinafter provided.

(3) If the manager of the railway company objects to the said report in whole or in part, he shall in such notice state his objections, and shall also fix a day not later than twenty nor earlier than fifteen days from the mailing of such notice, upon which the engineer of the railway, or some one acting on his behalf, shall meet the engineer of the municipality at the place where the work is proposed to be done for the purpose of arriving at an amicable agreement as to the work objected to by the manager of the railway or the cost thereof.

(4) The clerk of the municipality shall within four days after receiving such notice, notify the engineer of the municipality, if the manager of the railway has approved of his report, and if he has not approved of said report, he shall notify said engineer to attend at the place of the proposed work upon the day fixed by the manager of the railway.

(5) If the engineer of the railway company and the engineer of the municipality agree upon any portion or the whole of said work which may have been objected to by the manager of the railway, then such report shall be amended as may be agreed upon, and shall be in duplicate and signed by both engineers, one copy to be retained by the engineer of the railway, and one to be filed with the clerk of the municipality within ten days after arriving at such agreement: and said report shall be binding upon all parties concerned as set forth in sub-section 2 of this section.

(6) If the engineer of the railway company and the engineer of the municipality fail to agree upon the matters in dispute, as mentioned in sub-section 3 of this section, then in such case said matters of dispute shall be referred to the decision of an engineer to be appointed by the Commissioner of Public Works of the Province of Ontario, whose report and decision shall be final and binding upon all parties interested, and not subject to appeal as far as the work upon the lands of the railway is affected, except as hereinafter provided.

(7) When said disagreement takes place the engineer of the municipality or of the railway company shall within four days thereafter, by registered letter, request the said Commissioner to appoint an engineer as provided for in the previous sub-section, and shall in such letter give the name and post office address of the railway engineer, and also his own post office address, and state the locality where the proposed work is to be done.

(8) The Commissioner of Public Works shall within six days after receiving said request appoint a competent engineer to settle the matters in dispute; the engineer so appointed shall within six days after his appointment, notify by registered letter, the engineer of the railway company, and also the engineer of the municipality of the day on which he will attend at the place of the proposed work, which day shall not be earlier than ten, nor later than twenty days from the date of such notification, and said engineers shall attend at the time and place named in such notice, and shall give all necessary information to the engineer appointed by the Commissioner of Public Works, and said engineer shall carefully enquire and examine into all the objections made, and differences of opinion existing between the engineer of the railway company and the engineer of the municipality in reference to said proposed work upon the lands of the railway company and the cost thereof.

(9) The said engineer shall within ten days after such meeting, make out a report in duplicate, one to be sent by registered letter to the engineer of the railway company, and one copy to be sent by registered letter to the engineer of the municipality which copy shall be filed with the clerk of the municipality, and such report shall be final and binding as set forth in sub-section 6 of this section.

(10) The engineer of the municipality in making his award (which shall be made when a final agreement has been concluded as set forth in the next sub-section) shall in respect of the work to be performed upon the lands of the railway company, apportion such work and the estimated cost of the same upon the several owners interested in the construction of such work in proportion to the benefit to be derived.

(11) The engineer of the municipality shall within 30 days from the date of approval by the manager of the railway, as provided in sub-section 2 of this section, or in the event of the refusal of such approval, then from the date of the agreement if made by the engineers as provided for in sub-section 5 of this section, or in the event of the engineers failing to agree, then from the date of the report as made by the engineer as provided for in sub-section 6 of this section, make his award and file the same with the clerk of the municipality, and said award shall embrace the lands of the owners, which may be liable for the construction of any such ditch or drain, or the widening or deepening of any creek or watercourse, or for the enlarging or construction of any bridge or culvert.

(12) Any interested owner may appeal against the award of said engineer in the same manner and form as is provided in *The Ditches and Watercourses Act*, and the amendments thereto, but such appeal shall as in respect to the work upon the lands of the railway company, be confined to his right of being made
liable

liable for any portion of such work, and the proportion or cost of the same, but such appeal shall not affect the railway company.

6.—(1) The clerk of the municipality shall within four days after expiration of the time for appeal if no appeal has been made, or if an appeal has been made, within four days after the final decision upon such appeal, send to the manager of the railway company by registered letter, a notice stating the place and day upon which the work will be commenced and proceeded with, which day shall not be sooner than twenty, nor later than thirty days from the day of notice, and in such letter of notice he shall ask the manager of the railway which of the following modes of doing the work he will select on behalf of the railway company :

Notice of commencement of work and mode of completing same.

- (a) First, the railway company to do the work by their own employees for such amount as may have been finally agreed upon and made part of the report and award ; or
- (b) Second, that the work may be performed by the party or parties who are liable for the cost of performance of said work, and done under the supervision of the railway engineer, or some one acting in his behalf, and subject to the provisions of section 3.

(2) The manager of the railway, or some one acting in his behalf, shall within ten days after receiving the said notice, notify the clerk of the municipality, by registered letter, which of the said modes of doing the work he will select on behalf of the railway company, and if he selects to do the work under the provisions of clause (b) of the preceding sub-section, upon the receipt of such notice the clerk of the municipality shall forthwith notify the parties who are liable to perform the work, of the day that has been fixed for the commencement of the said work, by the manager of the railway.

(3) If the work is completed under the provisions of clauses (a) or (b) of sub-section (1) of this section, then, in either of such cases, the engineer of the railway company shall send to the clerk of the municipality, by registered letter, a certificate, certifying that the work has been completed in accordance with the copy of the plans and profile as may have been finally agreed upon and furnished to the railway company.

(4) When the work is completed under the provisions of clause (a) of sub-section (1) of this section, the council of the municipality shall at their first meeting, after the clerk has received the certificate mentioned in the preceding sub-section, order the payment of the cost of the work and the same shall be paid by the municipality in accordance with the provisions of section 13 of *The Ditches and Watercourses Act* to the railway or

to the party authorized by the railway company to receive the same, and if not forthwith paid by the party or parties who are liable for the same under the provisions of the award, it shall be entered upon the collector's roll as provided in sections 14 and 18 of *The Ditches and Watercourses Act*.

Railway company to enlarge bridges and culverts.

7. In any case where the engineer of the municipality reports that any existing bridge or culvert in the road-bed of any railway has to be enlarged by the deepening or widening of the same, or that a new bridge or culvert is required, and that the same has been agreed to and reported either as provided in sub-section 2 of section 5, or as in sub-section 5 of said section 5, or as provided in sub-section 6 of section 5 of this Act, then all such deepening or widening or construction shall be performed by the railway company and by their employees and at the cost of the municipality in the first instance, said cost to be collected from, and paid for by the owners who will be liable for the same, as provided for in the said sections 14 and 18 of *The Ditches and Watercourses Act*.

Rev Stat. c. 220

Company not liable for the cost of work.

8. The railway company shall not be liable for the cost of any work performed upon the lands, or under the road-beds of any railway, under the provisions of this Act.

Parties liable or cost may perform work if company refuses.

9. If any railway company neglects or refuses to proceed with the work within the time specified in the report for the completion of the same, then in such case, the party or parties who are liable for the payment of the costs of the work under the provisions of the report or award, as may have finally been decided upon, may proceed with and complete said work upon the lands of the railway company, except the enlarging of a bridge or culvert and the excavation in connection therewith.

Company liable for neglect to enlarge bridges or culverts.

10. If the railway company neglect or refuse to enlarge or construct a bridge or culvert within the time specified in the award or report for the completion of the same, then in such case the railway company shall be held liable for all damages sustained by the party or parties, embraced in the report or award, on account of the non-enlargement of such bridge or culvert; and such damages shall accrue from the date mentioned in the report for the completion of the work.

Act incorporated with Ditches and Watercourses Act.

11. This Act may be read and cited as *The Railway Clauses of The Ditches and Watercourses Act* and shall be read as part of said Act.

CHAPTER 70.

An Act to amend the Act for the protection of Game and Fur-Bearing Animals.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 1 of section 12, of the *Act for the Protection of Game and Fur-bearing Animals* is hereby amended by striking out the word “or” in the second and fourth lines of said sub-section, and by inserting after the word “caribou” in each of said lines, the words “partridge or quail.” Rev. Stat., c. 221, s. 12 (1) amended.

2. Section 12 of said Act is further amended by inserting the following therein as sub-section 2 of the said section: Rev. Stat., c. 221, s. 12 amended.

(2) No person shall by himself, his clerk, servant or agent, expose, or keep for sale, or directly or indirectly upon any pretence or any device, sell or barter, or in consideration of the purchase of any other property, give to any other person any quail, hunted, taken or killed in the Province of Ontario, and this sub-section shall continue in force until the fifteenth day of October 1892. Sale of quail prohibited.

3. Sub-section 2 of said section 12 is amended by adding the words “or bird” at the end of the said sub-section. Rev. Stat., c. 221, s. 12, sub s. 2 amended.

CHAPTER 71.

An Act to amend the Public and Separate Schools Acts.

[Assented to 7th April, 1890.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The clerk of every municipality shall forthwith after the passing of this Act, enter in a convenient index book, and in alphabetical order, the name of every person who has given to him or any former clerk of the municipality notice in writing that Index book of supporters of separate schools to be kept by clerk.

that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by the 40th section of *The Separate Schools Act*, or by previous Acts respecting separate schools; the clerk shall also enter opposite to the name, and in a column for this purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by the 47th section of the said Act, or by any such other Act as aforesaid, with the date of such withdrawal; or any disallowance of the notice by the court of revision or county judge, with the date of such disallowance. The Index book may be in the form set out in the schedule to this Act, and shall be open to inspection by ratepayers.

(2) The clerk shall enter in the same book, and in the proper alphabetical place therein, all such notices hereafter from time to time received by the clerk.

(3) It shall be the duty of the clerk to file and carefully preserve all such notices which have been heretofore received, or shall hereafter be received.

Notice to be given when persons assessed as separate school supporters.

2. In the case of a municipality in which there are supporters of a Roman Catholic separate school therein, or contiguous thereto, there shall be printed in conspicuous characters, or written across or on the assessor's notice to every ratepayer, provided for by the 47th section of *The Assessment Act*, and set forth in schedule B. to the said Act, in addition to the proper entry heretofore required, to be made in the column respecting the school tax, the following words: "You are assessed as a separate school supporter," or "You are assessed as a public school supporter," as the case may be; or these words may be added to the notice of the ratepayer set forth in the said schedule.

Assessor to be guided by index book.

3. Where the list required by the first section of this Act is prepared, the assessor is to be guided thereby in ascertaining who have given the notices which are by law necessary, in order to entitle supporters of Roman Catholic separate schools to exemption from the public school tax.

Meaning of Rev. Stat. c. 227, s. 48.

4. The statement made under the second sub-section of the 48th section of *The Separate Schools Act*, the 120th section of *The Public Schools Act* or the fourth sub-section of the 14th section of *The Assessment Act*, means, and has always meant, a statement made to the assessor on behalf of the ratepayer by his authority, and not otherwise.

Correction of mistakes in assessing separate school supporters.

5. In case of its appearing to the municipal council of any municipality after the final revision of the assessment roll, that through some mistake or inadvertence any ratepayers have been placed in the wrong school tax column, either as supporters,

supporters of separate schools or supporters of public schools, it shall be competent for the municipal council after due enquiry and notice to correct such errors if such council sees fit, by directing the amount of the tax of such ratepayers to be paid to the proper school board. But it shall not be competent for the council to reverse the decision of the court of revision or the county court judge as to any ratepayer.

(2) In case of such action by a municipal council the ratepayer shall be liable for the same amount of school tax as if he had in the first instance been entered on the roll properly.

6. Sub-section 1 of section 103 of *The Public Schools Act* is amended by adding thereto the following words :—

Rev. Stat.
c. 225, s. 103,
amended.

“ In like manner any board of trustees or any board of education may discontinue the use of the ballot in trustee elections on giving notice to the clerk of the municipality to that effect at the time hereinbefore mentioned, and thereafter elections for the purposes of this Act shall be conducted as provided in section 98.”

Trustees may
discontinue
use of ballot
at elections.

7. Section 103 of *The Public Schools Act* is amended by adding thereto the following sub-section :—

Rev. Stat. c.
225, s. 103,
amended.

(5) Where any board of trustees or board of education requires elections to be held under this section by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting elections by ballot be discontinued at any time, then the provisions of section 98 shall apply for a period of three years at least after such discontinuance.

8. Section 40 of *The Separate Schools Act*, is amended by adding thereto the following sub-sections :—

Rev. Stat.
c. 227, s. 40,
amended.

(2) Provided always that every such proprietor or tenant who, by himself or his agent, gives the notice provided for by this section on or before the first day of May, 1890, shall, to all intents and for all purposes, be deemed and taken to have duly given the said notice on or before the first day of March, 1890, and the notice shall have the same effect as if it had been given on or before said first day of March.

Proviso as to
time for
giving
notice by
separate
school sup-
porter.

(3) Provided always that where the proprietor or tenant was not, on or before the first day of March in any year, a resident of the municipality, or rated upon the assessment roll thereof, he becomes such resident, and entitled to be rated on the assessment roll thereof, before the time for appealing from the assessment to the court of revision, he shall be entitled to give the notice provided for by this section at any time before the expiration of the said time for appealing, and a notice so given shall have the same effect as if given on or before the first day of March, of the year in which it shall be given.

Time for giv-
ing notice by
separate
school sup-
porter becom-
ing resident in
a municipality.

Clerk to give
trustees an-
nual statement
of supporters
of separate
schools.

9. The clerk of every municipality in which there is a separate school shall, once in each year, upon the written request of the trustees of such separate school, deliver to them a statement in writing, showing the names of all persons appearing upon the assessment roll for the current year, who have given the notice required by section 40 of the said Act, with the amount for which each person has been rated upon such assessment roll.

SCHEDULE.

(Section 1.)

Form of Index Book for Roman Catholic Separate School Supporters.

Names.	Notices claiming exemption from public school tax, when received.	Remarks.
Allen, John.....	3rd February, 1889.	Notice of withdrawal received 1st January, 1890.
Ardagh, Joseph	3rd February, 1889.	Disallowed by Court of Revision, 1st June, 1889.
Ashbridge, Robert	3rd February, 1889.	

CHAPTER 72.

An Act to amend The High Schools Act.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws
setting
apart portions
of counties for
high school
purposes.

1. Where prior to the first day of January, 1878, the municipal council of any county did by by-law set apart and constitute any portion of the county as a separate district for high school purposes, the by-law if not heretofore set aside, repealed or quashed by any lawful authority in that behalf shall, to all intents and for all purposes be considered and taken as valid, legal and binding, and the high school districts thereby constituted or intended to be constituted, shall also for all purposes be deemed, and taken as having been lawfully and validly constituted,

CHAPTER 73.

An Act to aid in the Reconstruction of the Provincial University Building.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That a sum not exceeding \$160,000 is set apart from and out of the surplus moneys forming part of the Consolidated Revenue Fund of this Province, to aid in the reconstruction of so much of the buildings of the Provincial University, otherwise known as the University of Toronto and University College, as has been injured or destroyed by fire. Appropriation of \$160,000.

2. That moneys receivable or recoverable by or on behalf of the said Provincial University under any policies of insurance effected against loss or damage by fire to the University buildings, and which moneys are estimated as amounting to \$90,000 shall first be paid out and fully expended for and on account of the said reconstruction, and thereafter only so much of the said \$160,000 as may be necessary to secure the completion of the said reconstruction shall from time to time and as the work progresses, be paid in such sum or sums as by order of the Lieutenant-Governor in Council may be authorized and directed in that behalf. Insurance moneys to be first applied.

CHAPTER 74.

An Act for the relief of persons professing the Jewish Religion.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All the rights, powers and privileges, conferred upon any religious society or congregation of Christians by the Revised Statute, Chapter 237, entitled *An Act respecting the Property of Religious Institutions*, are hereby extended to, and shall hereafter apply to any religious society or congregation of Jews, professing the Jewish religion. Provisions of Rev. Stat. c. 237 extended to Jews.

CHAPTER 75.

An Act respecting the custody of Juvenile Offenders.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Juvenile offenders may be received at reformatory pending removal to industrial school.

1. In case any offender against Dominion or Provincial law, who at the time of his trial is or appears to the court to be under the age of thirteen years is for any offence against Dominion or Provincial law sentenced to imprisonment in any reformatory or common gaol, he may, by the direction of the Provincial Secretary, be received into the reformatory either until arrangements are made for his reception at or transfer to a certified industrial school or otherwise; notwithstanding anything contained in any Act passed during the present Session of this Legislature..

Admission of such offenders to industrial schools.

2. In case such an offender is committed to a certified industrial school, or is transferred by legal authority from any place of imprisonment to a certified industrial school, the managers of such school may admit the offender into the said school accordingly.

Provisions for maintenance, etc., to extend to offenders against Dominion laws.

3. The provisions for maintenance and all other matters relating to offenders against provincial laws shall also apply to offenders between the ages aforesaid against the laws of Canada, who may be transferred or committed to a certified industrial school.

Order charging maintenance in such cases.

4. The order for chargeability of maintenance of an offender against the laws of Canada, transferred or committed to a certified industrial school, may be made by the court, judge, stipendiary or police magistrate before whom the offender is convicted at any time, as if such court, judge, stipendiary or police magistrate had ordered the commitment of such offender for an offence against Provincial law.

CHAPTER 76.

An Act respecting the Commitment of Persons of Tender Years.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. No boy shall be received for confinement in the Ontario Reformatory for Boys, who appears to the superintendent of the reformatory to be under the age of thirteen years.

Boys under 13 not to be received at reformatory.

2. Where under the authority of any statute of the Province, or of any other statute or law in force in the Province, and relating to matters within the legislative authority of the Legislature of the Province, any offender is convicted whether summarily or otherwise, of any offence punishable by imprisonment, by any judge, stipendiary or police magistrate, or justice of the peace, who at the time of the trial is of the opinion that such offender does not exceed the age of thirteen years, such judge, magistrate or justice, may order such offender to be sent to a certified industrial school, subject to the provisions of *The Industrial Schools Act*.

Boys under 13 may be committed to industrial schools.

Rev. Stat. c. 234.

3. Such offender shall thereupon be detained in such industrial school until he be reformed or otherwise fit to be apprenticed or bound out, or be probationally or permanently discharged under the provisions of *The Industrial Schools Act*, and such detention shall be substituted in such case for the imprisonment in the penitentiary or reformatory or such place of confinement by which the offender would otherwise be punishable under any such statute or law relating thereto as aforesaid; Provided that in no case shall the offender be detained beyond the age of 17 years.

Period of detention at industrial schools.

Rev. Stat. c. 234.

Proviso.

4. Upon complaint made to the judge of the county or district court, or to any stipendiary or police magistrate by the general superintendent or other officer in charge of such industrial school, that by reason of incorrigible or vicious conduct, or escape, or habits of escape, and with reference to the general discipline of the school, the offender is beyond the control of such officer, the judge, stipendiary or police magistrate may order such offender to be confined in the reformatory for an undefined period, not to exceed the period for which he would be otherwise liable to be detained.

Incorrigible offenders may be sent to reformatory.

Order of committal to designate municipality chargeable with maintenance.

Rev. Stat. c. 142.

51 V. c. 40.
Rev. Stat. c. 234.

5. Upon an order being made by any judge, stipendiary or police magistrate or justice of the peace, for the committal of any child to any industrial school, or refuge for boys or girls, or other institution subject to the inspection of the Inspector of Prisons and Asylums, or to any suitable charitable society authorized under *The Act Respecting Apprentices and Minors*, or under *An Act for the Protection and Reformation of Neglected Children*, or under *The Industrial Schools Act*, such order shall specify the municipality or municipalities chargeable with the maintenance of such child, and a copy of the order with a copy of the depositions upon which the child has been committed shall be forwarded by registered letter to the clerk of the municipality chargeable under such committal with the maintenance of the child and unless the municipality move before such judge or magistrate to set aside the order in respect of maintenance within one month after receiving copy of such order the municipality shall be deemed to have consented to the order and be estopped from denying liability thereunder. Such judge or magistrate may at any time vary the order and charge any other municipality upon which order like proceedings may be taken.

Rev. Stat. c. 241, s. 27, amended.

6. Section 27 of the *Act respecting the Ontario Reformatory for Boys* is amended by striking out the words "ten and thirteen," in the third line, and inserting in lieu thereof the words "thirteen and sixteen."

CHAPTER 77.

An Act to amend the Act respecting Private Lunatic Asylums.

[Assented to 7th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Rev. Stat. c. 246, s. 97, amended.

1. Section 97 of the *Act respecting Private Lunatic Asylums* is amended by striking out the words "who are bona fide residents of the Province" where they occur after the word "inebriates" in the second line of the said section.

Rev. Stat. c. 246, s. 99, repealed.

2. Section 99 of the said Act is repealed and the following substituted therefor:—

Discharge of voluntary patients.

99. The medical superintendent shall have full authority to discharge from the asylum when, in his opinion, it may be advisable, any person who has been admitted to it by his own voluntary application.

3. Section 106 of the said Act is amended by inserting after the word "year" in the sixth line thereof the following:—
 "But before such order is made the Provincial Secretary shall ascertain that there is a vacancy in such asylum, and that satisfactory arrangements have been made with the medical superintendent thereof for the payment of the maintenance of such habitual drunkard"; and by striking out all the words of said section 106 after the word "committed" in the eighth line thereof.

Rev. Stat. c.
246, s. 106,
amended.

4. The following shall be added as new sections to the said Act, that is to say:—

Rev. Stat. c.
216 amended.

111. If any person knowingly gives, conveys, or supplies to any patient or inebriate confined in any private asylum, any rum, brandy, whiskey or other spirituous liquors, or morphia, coccoaine or other drug without sanction of the medical superintendent first obtained in writing, such offender being duly convicted thereof before two justices of the peace shall be fined a sum not exceeding \$20.

Penalty for supplying liquor to inmates.

112. Every one who knowingly assists directly or indirectly any patient or inebriate detained in a private asylum to escape from such asylum, shall be liable on summary conviction before two justices of the peace to a penalty not exceeding \$100.

Penalty for assisting inmates to escape.

CHAPTER 78.

An Act respecting the Establishment of Houses of Refuge.

[Assented to 7th April, 1890.]

WHEREAS it is desirable to encourage the erection and establishment by county municipalities of houses of industry or refuge for the care and custody of the aged, helpless and poor;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council, may by Order in Council, direct that out of the Consolidated Revenue Fund of the Province, there shall be paid to the treasurer of any county or union of counties in which the municipal council thereof may have acquired not less than forty-five acres of land for an industrial farm, and shall have erected thereon suitable buildings for a house of industry or house of refuge for the care and maintenance of the aged, helpless and poor, belonging to

Aid to counties establishing houses of refuge.

to the county, a sum not exceeding one-fourth of the amount actually expended by the municipality in the purchase of land and erection of buildings thereon, and not in any case exceeding \$4,000.

Aid to united
or contiguous
counties, etc.

2. In case, under sub-section 2 of section 460 of *The Municipal Act*, two or more united counties, or two or more contiguous counties, or a city and one or more counties, or a town and one or more counties, agree to have only one house of industry or refuge for such municipalities, the Order in Council may provide for the payment to the treasurer of each corporation of the counties entering into the agreement, a sum not exceeding \$4,000; and to the treasurer of any such town, not within any of the counties, or being a town separated from any of the counties entering into such agreement, such a proportion of a sum of \$4,000 as its population bears to the population of the whole county in which it is situated, according to the assessment rolls of the year preceding that in which the house of industry or refuge shall have been open for occupation; but the aggregate amount payable to such counties or united counties or town shall not exceed one-fourth of the amount actually expended by such combined municipalities in the purchase of the land and erection of buildings thereon.

Aid to two or
more local mu-
nicipalities.

3. In case two or more local municipalities acting under the provisions of sub-section 4 of section 460 of *The Municipal Act*, jointly erect or maintain a house of industry or refuge in connection with an industrial farm, the Lieutenant-Governor in Council may grant to each of such municipalities, such a proportion of a sum of \$4,000 as the population of such municipalities bears to the population of the whole county in which it is situate, according to the assessment rolls of the year preceding that in which the house of industry or refuge shall have been opened for occupation; and provided also, that the sum so granted, shall not be in excess of one-fourth of the amount contributed and paid by such municipality for the purchase of the farm, and the erection of the buildings thereon.

Inspection of
houses of
refuge.

4. All houses of industry or houses of refuge shall be open to inspection by the Inspector of Asylums and Public Charities, and the Inspector shall make a report to the Lieutenant-Governor in Council of any matter in connection therewith which he may consider necessary.

Aid to muni-
cipalities
where houses
of refuge have
been erected.

5. The Lieutenant-Governor in Council may by Order in Council direct that out of the Consolidated Revenue Fund of the Province there shall be paid to the treasurer of any municipality or union of municipalities which has heretofore acquired land and shall have erected a house of refuge thereon, before the passing of this Act, such sum (within the restrictions aforesaid)

aforesaid) as the Lieutenant-Governor in Council may by Order in Council direct to be so paid, if the purchase of such land and erection of buildings thereon or contribution made thereto are in accordance with the provisions of this Act.

6. No Order in Council under this Act shall be passed until the Inspector of Asylums and Public Charities has reported that the land and buildings are suitable for the purpose intended, and are ready for occupation. Report of Inspector.

7. Every Order in Council made under this Act shall, as soon as conveniently may be after the making thereof, be laid before the Legislative Assembly for its ratification or rejection, and no such order shall be operative unless and until the same has been ratified by a resolution of said Legislative Assembly. Order in Council to be ratified by Assembly.

CHAPTER 79.

An Act respecting the Floating Debt of the Town of Aylmer.

[Assented to 7th April, 1890.]

WHEREAS the corporation of the town of Aylmer have by their petition represented that they have incurred liabilities to the amount of \$5,000, exclusive of the existing indebtedness of the said town, and that it is desirable for the said town to consolidate the said debt, and pay the same by issuing debentures for a sum sufficient to pay the said debt; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the said corporation of the town of Aylmer to pass a by-law or by-laws authorizing the issue of debentures under the corporate seal, signed by the mayor and countersigned by the treasurer for the time being, for such sums not exceeding in the whole the sum of \$5,000, exclusive of interest, as the said council of the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this Province or Great Britain or elsewhere. Issue of debentures for \$5,000 authorised.

2. The said Corporation may raise by way of loan upon the credit of the said debentures, from any person or persons, body or bodies corporate, either in this Province or in Great Britain Power to borrow on debentures.

or elsewhere, who may be willing to lend the same, a sum not exceeding in the whole the sum of \$5,000 of lawful money of Canada.

Application of funds.

3. The funds derived from the negotiation of the said debentures shall be applied by the said corporation to the said floating debt of \$5,000, and to and for no other purpose whatever, and no by-law or resolution of the said corporation shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than twenty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Term of debentures.

5. A portion of the \$5,000 of debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the first day of December, 1890, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Assent of electors to by-law not required.

Rev. Stat. c. 184.

Special rate for payment of debentures and interest.

7. It shall not be necessary to obtain the assent of the electors of the said town to the passing of the said by-law under this Act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act* and the amendments thereto.

8. For payment of the principal money on the said debentures and the interest thereon, the municipal council shall impose a special rate per annum, over and above and in addition to all other rates to be levied in each year, during the said twenty years, which shall be sufficient to pay the said principal money and interest thereon, in each year as it shall become due. The said rate, in respect of which the said principal money and interest thereon, shall be levied, commencing with the present year 1890, and continuing in each of the next succeeding years, to and including the year in which the last instalment thereof shall be payable.

CHAPTER 80.

An Act respecting the City of Belleville.

[Assented to 7th April, 1890.]

WHEREAS the debenture debt of the corporation of the city of Belleville at the time of the passing of an Act of the Legislature of the Province of Ontario passed in the 40th year of Her Majesty's reign, chaptered 33, amounted to the sum of \$266,997, a part of which has since that time been paid, but other debentures of the said corporation have since been issued and disposed of, leaving the present debenture debt of the said corporation amounting to \$408,000; and whereas no action was taken under the aforesaid Act towards consolidating the said debt, and the said corporation by their petition have prayed that the said Act above recited be so amended as to enable them to consolidate the said debenture debt by the issue of debentures payable in this Province, Great Britain, or elsewhere, and for any period not exceeding forty years, and to make such further and other provisions for the proper carrying out of the said Act, and enabling them to efficiently consolidate the said debt; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the 40th year of Her Majesty's reign, chaptered 33, and intituled "*An Act for the incorporation of the town of Belleville as a city and for the consolidation of the debt thereof*," is amended by adding thereto the following as sections 10a, 10b, 10c, 10d, 10e, 10f, and 10g.

40 V., c. 33, s. 10 amended.

10a. The corporation of the said city may for the purpose in section 10 hereinbefore mentioned, raise money to the extent of \$408,000 by way of a loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient for the purposes aforesaid.

Power to borrow on debentures.

10b. The said debentures shall be payable in not more than forty years from the date thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly in the places mentioned therein and in the coupons attached thereto; and such debentures may bear interest at any rate not exceeding five per cent. per annum, and such debentures may be known as the "Consolidated Debt Debentures" of the corporation of the city of Belleville.

Payment of debentures and interest.

10c.

Outstanding debentures may be called in.

10c. The treasurer of the said city shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Special rate.

10d. For payment of the principal of the said debentures to be issued under the preceding sections of this Act, the council shall impose a certain specific sum annually (over and above, and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such debentures), which sum is to be such as will be sufficient, with the estimated interest on the investment thereof, to discharge the said debt when payable; and hereafter it shall not be necessary for the council to enforce the collection of the sinking fund or amounts required to be levied for principal money to pay the said outstanding debentures.

Investment of sinking fund.

10e. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act, in the redemption of the said outstanding debentures of the said city, in the redemption of the debentures issued under the authority of the preceding sections of this Act, or in Government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being first lien on such real estate, but not to any greater extent than two-thirds of the assessed value of such real estate, or in any other securities authorized by an Act or Acts now or hereafter to be in force in regard to the same, or that may be sanctioned by the Lieutenant-Governor in Council, or may deposit the same in any bank or banks of the Dominion of Canada that the council may from time to time approve.

Application of surplus.

10f. On the sale of the said debentures or any of them, should any surplus arise in the sale thereof, such surplus shall be applied to the sinking fund for the payment of the said debentures and for no other purpose.

Irregularities in form not to invalidate debentures.

10g. No irregularity in the form either of the said debentures to be issued under the preceding sections of this Act or of the by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them or any part thereof.

Act to apply to outstanding debentures.

2. This Act shall apply to all debentures of the corporation of the city of Belleville issued, unpaid and outstanding at the time of the passing of this Act, and amounting to the sum of \$408,000.

3. It shall be the duty of the treasurer from time to time of the said city to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by the Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, setting forth also the investment made from time to time of the sinking fund; and the said book of account and statement shall at all times and at all reasonable hours to be open to the inspection of any ratepayer of the said city and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Treasurer to keep book of account of debentures.

4. The debentures issued under this Act may be in the form contained in Schedule "A" to this Act, and the by-law or by-laws authorising the same may be in the form of Schedule 'B' to this Act.

Form of debentures and by-law

SCHEDULE A.

CONSOLIDATED DEBT DEBENTURES.

Province of Ontario—City of Belleville.

Under and by virtue of an Act passed in the 53rd year of Her Majesty's reign, intituled "An Act respecting the City of Belleville," and by virtue of by-law No. of the corporation of the City of Belleville, passed under the provisions contained in the said Act, the corporation of the city of Belleville promise to pay to the bearer at in the sum of on the day of A.D. , and the coupons hereto attached as the same shall severally become due.

Dated at Belleville, in the County of Hastings this day of A.D. .

SCHEDULE B.

By-law No. , to authorize the issue of debentures under the authority of an Act passed in the 53rd year of Her Majesty's reign, intituled "An Act respecting the City of Belleville."

Whereas the said Act authorizes the issue of debentures for purposes therein mentioned, not exceeding the sum of \$ in the whole, as the corporation of the city of Belleville may in pursuance of and in conformity with the provisions of said Act direct;

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$, payable on the day of , and on the day of (or as the case may be), with interest thereon at the rate of per centum per annum, payable half-yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole ratable property of the said city of Belleville, according to the last revised assessment roll of the said city, being for the year one thousand eight hundred and was \$;

Therefore the corporation of the city of Belleville enacts as follows:—

1. That the debentures under the said Act, and for the purposes therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of \$, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per centum per annum, payable half-yearly on the day of and in each year.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and .

CHAPTER 81.

An Act to Consolidate the Debt of the Town of Brampton.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the corporation of the town of Brampton, in the county of Peel, have by their petition represented that they have incurred debts and liabilities for the purpose of giving a railway bonus, of loaning money to a manufacturing company and for public improvements, to the extent of \$135,015, for which amount debentures of the said town have

from

from time to time been issued under the authority of various by-laws, and are also indebted to the extent of \$6,500 for floating liabilities; and whereas the said corporation have further represented that the payments to be made on account of the said debenture debt outstanding and the said floating debt would be oppressive to the ratepayers; and whereas the said corporation by their petition have prayed that the said secured and unsecured debts may be consolidated, and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the said town of Brampton are hereby consolidated at the sum of \$141,515, and it shall be lawful for the corporation of the said town of Brampton to raise by way of loan, on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire the said debentures, amounting to \$135,015, as they respectively become due, and to pay off the other debts, amounting to \$6,500, not exceeding in the whole the said sum of \$141,515, exclusive of interest thereon. Debts consolidated.

2. It shall be lawful for the said corporation of the town of Brampton, from time to time, to pass a by-law or by-laws, providing for the issue of debentures under their corporate seal signed by the mayor and countersigned by the treasurer, for the time being, in such sums of not less than \$100, and not exceeding \$141,515 in the whole, as the said corporation may, from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada. Issue of debentures authorized.

3. The corporation of said town may, for the purpose in section 7, hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures, from time to time, as they may deem expedient. Power to borrow on debentures.

4. The said debentures shall be payable in not more than forty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly, on the first day of the month of December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum. Payment of debentures and interest.

Term of debentures.

5. A portion of the \$141,515 of debentures to be issued under this act, shall be made payable in each year for a period not exceeding forty years from the first day of December, 1890, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. It shall be lawful for the said corporation to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Application of debentures.

7. The said debentures and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the debentures of the town of Brampton, to the amount of \$135,015, and in payment of the said debt of \$6,500, and in no other manner, and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Outstanding debentures may be called in.

8. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

By-laws not to be repealed until debt satisfied.

9. Any by-law to be passed under the provisions of this Act, shall not be repealed until the debt created under such by-law, and the interest thereon shall be paid and satisfied.

Assent of electors to by-laws not required.

10. It shall not be necessary to obtain the assent of the electors of the said town of Brampton to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by

Rev. Stat. c. 184.

The Municipal Act.

Treasurer to keep books shewing state of debenture account.

11. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures

debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Brampton from any indebtedness or liability which may not be included in the said debt of the said town of Brampton. Liability of corporation not affected

13. The debentures issued under this Act may be in the form contained in schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule B to this Act. Form of debenture.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof. Inconsistent provisions in municipal Acts not to apply.

15. This Act may be cited as "*The Brampton Debenture Act, 1890.*" Short title.

SCHEDULE A.

CONSOLIDATED DEBT DEBENTURE.

No. . \$

Province of Ontario, Town of Brampton.

Under and by virtue of "The Brampton Debenture Act, 1890," and by virtue of by-law No. _____ of the corporation of the town of Brampton, passed under the provisions contained

CHAPTER 82.

An Act to enable the City of Brantford to issue certain debentures for Drainage, Water, School and Park purposes.

[Assented to 7th April, 1890.]

WHEREAS the corporation of the city of Brantford have Preamble.
by their petition represented that the said corporation are desirous of constructing a system of sewers for the purpose of draining the said city and the disposal of the sewage at a cost together with the sums to be expended under local improvement by-laws, chargeable against the properties benefited, estimated not to exceed \$200,000; and whereas the said corporation by their said petition have further represented that owing to the destruction by fire of the central public school of the said city, it is desirable that a new building or buildings should be erected for school purposes at a cost not exceeding \$50,000; and whereas it is also represented by the said petition that the said corporation are desirous of extending the water-works of the said city at a cost not exceeding \$30,000; and that they are further desirous of purchasing land for public parks, and making the necessary improvements in connection therewith; and whereas it has been made to appear that the said works are all of a permanent character and will endure for a period exceeding the time for the maturing of the debentures hereby authorized to be issued; and that the said corporation can borrow the money and repay the same to much greater advantage if such debentures extend over a period of forty years; and whereas the said corporation pray that an Act may be passed granting them authority to raise the said moneys, or so much thereof as may be required, by debentures of the said corporation, payable at a period not exceeding forty years from the passing of the by-law or by-laws authorizing the issue thereof, after a by-law or by-laws have been duly passed for the purpose and approved by the electors under *The Municipal Act*; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said corporation of the city of Brantford are hereby authorized and empowered to pass a by-law or by-laws providing for the issue by the said corporation of debentures under its corporate seal, in accordance with the provisions of *The Municipal Act*, (except as is hereinafter provided as to the time the said debentures may run), to raise the sums in the preamble to this Act recited and set out by the issue of such debentures, that is to say: for the construction of sewers and the disposal of sewage as hereinbefore recited, a sum not exceeding \$200,000

Issue of
debentures
authorised.

\$200,000 ; for the purpose of erecting a public school house or school houses, a sum not exceeding \$50,000 ; for the extension of the waterworks within the said city, a sum not exceeding \$30,000 ; and for such sum as may be required for the purpose of purchasing land for public parks and improvements in connection therewith.

Payment of
debentures
and interest.

2. The principal sum secured by the said debentures and the interest thereon may be made payable either in this Province or in Great Britain or elsewhere, and the interest thereon at a rate not exceeding four per cent. per annum, shall be payable half-yearly according to the coupons attached thereto.

Term of
debentures.

3. The said debentures or any of them may be made payable at a time not exceeding forty years from the passing of the by-law or by-laws authorizing the issue thereof as the said by-law or by-laws shall direct.

Power to
borrow on
debentures.

4. The said corporation may raise money by the sale or by hypothecation of the said debentures from time to time as they may deem expedient ; except as to debentures issued in respect of the construction of sewers and the disposal of sewage under the local improvement plan, and as to such debentures as the money may be required.

By-law to be
submitted
to ratepayers.

Rev. Stat. c.
184.

5. Any such by-law or by-laws shall, before the final passing thereof, be submitted for the approval of the electors of the said city entitled to vote on money by-laws in accordance with the provisions of *The Municipal Act* in that behalf.

Application of
loan.

6. The treasurer of the said corporation shall keep separate accounts in respect of any debentures issued for any one of the purposes aforesaid and the moneys which may be raised thereon or by the sale thereof and the moneys arising from the sale or hypothecation of such debentures shall be applied by the said corporation to the particular work or for the purpose for which the debenture was issued and in no other manner and for no other purpose ; and no by-law or resolution of the said council shall be sufficient to warrant the application of any such moneys to any other purpose, or shall be a protection to the treasurer or other officer or servant of the corporation in case of the application of the said moneys in any other manner.

Special rate.

7. For payment of the principal money of any of the debentures issued under this Act and the interest thereon, the council shall impose a special rate per annum over and above and in addition to all other rates to be levied in each year which shall be sufficient to raise such an amount as will, with the amounts levied on the properties benefited in pursuance of the local improvement by-laws, pay the said interest and also to form a sinking fund which compounded half-yearly at four per cent., will be sufficient to pay such principal money.

8. No irregularity in the form either of the said debentures or of the by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Irregularities in form not to invalidate debentures.

9. Notwithstanding anything in *The Municipal Act* contained, it shall be lawful for the council of the corporation of the city of Brantford to pass local improvement assessment by-laws extending the time for payment of that part of the cost of said system of drainage, to be rated and levied on real property specially benefited, over a period of not more than forty years from the passing of the by-law or by-laws authorizing the issue thereof as the by-law or by-laws may provide.

Assessments for local improvements

10. Any by-law of the said municipality which before the passing of this Act has passed first and second reading by the council and been advertized, to enable the said city to issue debentures or secure moneys under the provisions of *The Municipal Act* or for any of the purposes aforesaid, not exceeding the sum or sums hereinbefore mentioned, shall not be impeached or set aside or quashed by reason only that the same was so passed to its second reading and advertized prior to the passing of this Act, but the same shall if it otherwise conforms to and complies with the provisions of *The Municipal Act* and of this Act be valid and binding provided nevertheless that the vote of the ratepayers be taken and the third reading of such by-law by the municipal council be had after the passing of this Act.

By-laws read a second time before passing of Act to be valid.

CHAPTER 83.

An Act to Incorporate the Village of Burk's Falls.

[Assented to 7th April, 1890.]

WHEREAS the inhabitants of the unincorporated village of Burk's Falls, in the township of Armour, in the district of Parry Sound, and that portion of the said township adjoining the said village comprised within the limits hereinafter mentioned, have by their petition represented that the said limits contain a population of very nearly seven hundred souls, which is steadily increasing, and that it would greatly promote their progress, interest and prosperity, if the said village and portion of the said township comprised within such limits should be separated from the municipality of Armour and formed into a corporate village, and they have prayed

Preamble.

prayed for such incorporation accordingly ; and whereas from the position and topography of the land in said village, and for other reasons it is necessary that the area of the said village should extend beyond the limits assigned to incorporated villages by *The Municipal Act* ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Village of
Burk's Falls
incorporated.

1. From and after the passing of this Act the inhabitants of the said unincorporated village of Burk's Falls and that portion of the township of Armour adjoining said village, and comprised within the limits or boundaries hereinafter set forth and described, shall be and they are hereby created a corporation or body politic under the name of "The Corporation of the Village of Burk's Falls," separate and apart from the said township of Armour in which they are situate, and shall have and enjoy all the rights, powers and privileges now enjoyed or conferred by, or which shall or may hereafter be conferred upon incorporated villages in the Province of Ontario, subject to any exception provided by this Act.

Boundaries of
village.

2. The said village of Burk's Falls is hereby declared to and shall comprise and consist of the lands with the intervening roads, streets and highways within the following limits or boundaries, namely :—Commencing at the south-westerly angle of lot number three, in the ninth concession of the township of Armour, in the district of Parry Sound ; thence northerly, following along the line between lots numbers two and three in said concession twelve chains and fifty links ; thence easterly, parallel to the line between concessions eight and nine twenty chains more or less to its intersection with the line between lots numbers three and four ; thence northerly, following along said last mentioned line twelve chains and fifty links ; thence easterly, parallel to the line between concessions eight and nine twenty chains more or less to its intersection with the line between lots numbers four and five ; thence northerly along said last mentioned line twenty-five chains more or less to its intersection with the line between concessions nine and ten ; thence easterly, following along said last mentioned line twenty chains more or less to the westerly limit of the allowance for road between lots numbers five and six in the ninth and tenth concessions ; thence northerly along said westerly limit of said road allowance twenty-five chains ; thence easterly, parallel to the line between concessions nine and ten twenty-one chains more or less to its intersection with the line between lots numbers six and seven in the said tenth concession ; thence southerly, following along said last mentioned line twenty-five chains to its intersection with the line between concessions nine and ten ; thence easterly, following along said last mentioned line thirty chains ;
thence

thence southerly, parallel to the line between lots seven and eight in said ninth concession fifty-one chains more or less to the southerly limit of the allowance for road between concessions eight and nine; thence southerly, parallel to the line between lots seven and eight in the eighth concession twenty-five chains; thence westerly, parallel to the line between concessions eight and nine one hundred and eleven chains more or less to its intersection with the line between lots numbers two and three in said eighth concession; thence northerly, following said line and the production thereof northerly twenty-six chains more or less to the place of beginning, containing an area of seven hundred and seventy and nine-tenths acres, be the same more or less.

3. On the third Monday after the passing of this Act, it shall be lawful for Edward Bazett, Esq., of the said village of Burk's Falls, clerk of the said township of Armour, or his successor in office (who is hereby appointed the returning officer) to hold the nomination for the first election of a reeve and four councillors, in the court house in the said village, or in case of the said court house not being available through its destruction by fire or other cause, in some other suitable building in said village, and he shall give at least eight days' notice thereof by causing at least ten notices to be posted up in conspicuous places in such village and by causing the insertion of such notice once in the *Arrow* newspaper, published in said village; and such returning officer shall preside at such nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, who shall have all the powers of a returning officer; and the polling for the said election, in the event of a poll being required, shall be held on the same day of the week in the next succeeding week at the said court house, or in case of the said court house not being available, in some other suitable building in said village, and the duties of the said returning officer shall be the same as those required by law in respect of incorporated villages.

Nomination for first election.

4. At the first election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections the qualifications of the electors and of the reeve, councillors and other officers shall be the same as that required in incorporated villages.

Qualification at first and subsequent elections.

5. The township clerk of Armour shall furnish the said returning officer, upon demand made upon him for the same, with a certified copy of so much of the last revised assessment roll of the said township as may be required to ascertain the names of all persons entitled to vote at such first election.

Clerk of township of Armour to furnish copy of assessment roll.

First meeting
of council

6. The reeve and councillors so to be elected shall hold their first meeting at the said court house or other suitable building in the said village at ten of the clock in the forenoon of the same day of the week next following the polling, and if there shall not be any polling, on the same day of the week next following the nomination.

Oaths of office
and qualifica-
tion.

7. The several persons who shall be elected or appointed under this Act shall take and subscribe the declaration of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in villages.

Time for
taking assess-
ment for 1890

8. The council of the said village may pass a by-law for taking the assessment of the said village from the first day of January to the thirty-first day of December, 1890, between the fifteenth day of May and the first day of August, 1890. If any such by-law extends the time for making and completing the assessment rolls beyond the first day of June next, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended and the final return by the stipendiary magistrate twelve weeks from that day.

Municipal
laws to apply.

9. Except as otherwise provided by this Act the provisions of *The Municipal Act* and all amending Acts respecting municipal institutions with regard to matters consequent on the formation of new corporations, and other provisions of said Acts applicable to incorporated villages shall apply to the village of Burk's Falls, in the same manner as they would have been applicable had the said village been incorporated under the provisions of the said Acts.

Expenses of
Act.

10. The expenses of and incidental to the obtaining of this Act, of every kind, of preparing the necessary papers, and of furnishing any documents, papers, writings, deeds, or other matter whatsoever connected therewith, or required by the clerk of the said village, or otherwise howsoever shall be borne by the said village and paid by it to the person or persons that may be respectively entitled thereto.

CHAPTER 84.

An Act respecting the Village of Campbellford.

[Assented to 7th April, 1890.]

WHEREAS the council of the village of Campbellford, Preamble.
 have prayed that a certain by-law of such village intituled "By-law No. 171 of the village of Campbellford, to authorize the issue of debentures to the amount of \$10,000," be validated and confirmed; and whereas the said council have further prayed for authority to appoint by by-law a joint commission for the management of the waterworks and electric light systems of said village, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 171 of the said village of Campbellford, By-law No. 171 of village of Campbellford confirmed.
 intituled "By-law No. 171 of the village of Campbellford to authorize the issue of debentures to the amount of \$10,000," and the debentures issued or to be issued thereunder, are hereby legalized, validated and confirmed, and made absolutely valid and binding on the said corporation of the said village of Campbellford and the ratepayers thereof; and the said by-law and debentures and all other by-laws of the said village authorizing the issue of debentures, and the debentures issued or to be issued thereunder, shall be absolutely valid and binding on the corporation of the said village of Campbellford and the ratepayers thereof.

2. The council of the corporation of the village of Campbellford shall have the power to appoint by by-law a joint Power to appoint joint commission to manage waterworks and electric light.
 commission for the management of the waterworks and electric light systems of said village, to consist of five members, of whom the head of the corporation shall *ex officio* be one, which commission shall have all the powers and duties conferred on commissioners by *The Municipal Waterworks Act* and *The Municipal Light and Heat Act*. Two of the commissioners Rev. Stat. c. 192.
Rev. Stat. c. 191.
 first appointed or elected, as the case may be, shall retire from the commission each year, and they, or their successors, shall be nominated and elected for the following years at the same time and in the same manner as the mayor, reeve and councillors of said corporation.

3. Whenever it shall be deemed necessary by the council Power to issue debentures for extension of
 of the corporation of the village of Campbellford, to further

electric light
and water-
works.

further extend or improve the said electric light and water-works systems, or either of them, it shall be lawful to pass a by-law, or by-laws, authorizing the issue of debentures to the amount required, covering a period of not more than thirty years, the assent of the electors thereto having been first obtained, in accordance with the provisions of the municipal law.

CHAPTER 85.

An Act to Incorporate the Town of Gore Bay.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the district hereinafter described, comprising portions of the municipality of Gordon in which is situated the unincorporated village of Gore Bay, is rapidly increasing in population, and is now the judicial seat of the district of Manitoulin, and a manufacturing and shipping centre of considerable importance; and whereas the inhabitants of the said district have petitioned to be separated from the municipality of Gordon and formed into a corporate town, and have by their petition represented that the incorporation of said district as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the care, protection and improvement of property, and have prayed for its incorporation accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town of Gore
Bay incorpor-
ated.

1. On and after the passing of this Act, the district hereinafter described shall be separated from the municipality of Gordon, and the inhabitants thereof shall be and they hereby are constituted a corporation or body politic, under the name of "The Corporation of the Town of Gore Bay," and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province, except where otherwise provided by this Act.

Boundaries of
town.

2. The said town of Gore Bay shall comprise and consist of the town plot of Gore Bay, lots numbers 14, 15, 16 and 17 in the west range, lots numbers 12 and 19 in the east range, lot number 5 in the tenth concession, and lot number 5 in the eleventh concession, all of the township of Gordon, in the district of Manitoulin.

3. The said town shall be divided into two wards, to be called respectively the "north" and "south" wards, which said several wards shall be respectively composed and bounded as follows:—The north ward shall be composed of that portion of the said town bounded as follows: all that portion of the town plot north of Eleanor street, and lots numbers 16 and 17 in the west range, lot number 19 in the east range, and lot number 5 in the eleventh concession of the township of Gordon. The south ward shall be composed of all that portion of the town plot south of Eleanor street, and lot number 12 in the east range, lot number 5 in the tenth concession, and lots number 14 and 15 in the west range, all in the township of Gordon.

4. Except as otherwise provided by this Act, the provisions of *The Municipal Act*, and of any Act amending the same with regard to matters consequent upon the formation of new corporations, shall apply to the said town of Gore Bay in the same manner as if the said district had been an incorporated village, and had been erected into a town under the provisions of the said Acts.

5. On the last Monday in April after the passing of this Act, it shall be lawful for Daniel Anderson, bailiff of the fifth division court of the district of Manitoulin, or the bailiff of said court for the time being, who is hereby appointed returning officer, to hold the nomination for the first election of mayor and councillors at the court house, in the said town of Gore Bay, and he shall give at least one week's notice thereof, by causing at least three notices to be posted up in conspicuous places in each of the said wards, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election, if necessary, shall be held on the same day of the week in the week following the said nomination, and the returning officer or chairman shall at the close of the nomination publicly announce the place in each ward at which the polling shall take place.

6. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the said town is divided, and such returning officer and each of such deputy-returning officers shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the municipal laws of Ontario applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Clerk of municipality of Gordon to furnish copy of assessment roll

7. The clerk of the municipality of Gordon and any other officer thereof shall upon demand made upon him by the said returning officer or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said municipality as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed that may be required for that purpose. And the said returning officer shall furnish each of the said deputies with a true copy of so much of said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Council.

8. The council of said town to be elected in manner aforesaid, shall consist of the mayor who shall be the head thereof, and six councillors, three councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of said nomination; and subsequent elections shall be held in the same manner, and the qualifications of mayor and councillors and for electors at such subsequent elections shall be the same as in towns incorporated under the provisions of *The Municipal Act*, and any Act amending the same; and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipals laws on such councils.

Rev. Stat. c. 184.

Declaration of office and qualification.

9. The said several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in towns.

Qualification at first election.

10. At the first election of mayor and councillors for the said town of Gore Bay, the qualification of electors and that of officers required to qualify shall be the same as that required in the municipality of Gordon.

Payment of expenses of Act.

11. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds or any other matter whatsoever required by the clerk or other officer of the said town or otherwise, shall be borne by the said town and paid by it to any person entitled thereto.

By-laws in force in municipality of

12. All by-laws which are in force in the municipality of Gordon shall continue and be in force as if they had been passed

passed by the corporation of the town of Gore Bay, and shall extend and have full effect within the limits of the town hereby incorporated, until repealed by the new corporation.

Gordon continued.

13. Except as otherwise provided by this Act, the property, assets, debts, liabilities and obligations of the municipality of Gordon shall be apportioned between the said municipality and the said town of Gore Bay, as may be agreed upon, and in case of no agreement, then by the award of three arbitrators or a majority of them. One of such arbitrators being appointed by the said municipality of Gordon, and one by the town of Gore Bay, and the third being chosen by the said two; and if from any cause whatever, either the said municipality of Gordon, or the said town of Gore Bay shall not have appointed an arbitrator within two months after the other has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality making default, and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award of the said arbitrators or of a majority of them shall be as valid and binding in all respects, as if the said arbitrators had been regularly appointed by the said municipalities.

Apportionment of assets and liabilities on separation from municipality of Gordon.

14. Arrears of taxes due to the said corporation of the town of Gore Bay shall be collected and managed in the same way as the arrears due to towns separated from counties; and the mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of taxes as are performed by the said officers in other towns in Ontario separated from counties, and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor, shall apply to the said corporation of the town of Gore Bay, and to sales of land therein for arrears of taxes due thereon, and to deeds given therefor subject to the provisions of section 34 of chapter 185 of the Revised Statutes of Ontario.

Arrears of taxes.

15. The council of the said town may pass a by-law for taking the assessment of the said town for the year, from the first day of January to the thirty-first day of December, 1890, between the fifteenth day of May and the first day of August, 1890. If any such by-law extends the time for making and completing the assessment rolls beyond the first day of June next, then the time for closing the court of revision shall be six weeks from the day to which such time is extended, and the final return by the stipendiary magistrate twelve weeks from that day.

Time for taking assessment for year 1890.

16. Until there shall be a resident judge at Gore Bay, for the district of Manitoulin, the stipendiary magistrate of the said

Stipendiary magistrate to perform duties said

elsewhere performed by county judge. said district for the time being, shall have and exercise all the powers of the judge of a county court, under the existing municipal laws of the Province of Ontario.

Claims against municipality of Gordon not to be affected.

17. Nothing contained in this Act shall free the portions of the townships or wards comprising the municipality of the town of Gore Bay hereby formed, from their proportion of any liability now existing against the municipality of Gordon, and the creditors of the said municipality of Gordon shall continue to have all the rights and remedies which they had previous to the passing of this Act for the enforcement of their claims against the townships and wards heretofore composing the said municipality of Gordon.

CHAPTER 86.

An Act to Confirm and Establish a certain Survey of the Township of Kennebec, in the County of Frontenac.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS instructions, of date July 29th, 1820, were issued by the Surveyor-General to one John Smith, contractor, for the survey of certain townships in the Midland District, and to the deputy surveyor who should be employed on said service; and whereas under such instructions, and agreeably to a contract one Publius V. Elmore, deputy surveyor, filed in the department of Crown Lands a plan and field notes dated January 20th, 1827, signed by himself, and purporting to exhibit the survey of the township of Kennebec; and whereas on said plan it was certified by the said Publius V. Elmore that the township had been surveyed between the months of December 1823, and March 1824; and whereas for many years it was understood and believed that said survey had been executed; and whereas settlers went into said township and took up lands therein; and whereas subsequently it was reported to the Department of Crown Lands that only a partial survey of the township could be traced upon the ground, and that difficulties and disagreements were continually arising in consequence thereof; and whereas the Commissioner of Crown Lands on the 29th day of May, 1885, issued instructions to one Matthew J. Butler, Provincial Land Surveyor, to make a verification survey of the township of Kennebec, in which he was to be guided by the provisions of *The Act respecting Land Surveyors and the Survey of Lands*, chapter 152 of the Revised Statutes of Ontario, 1887; and whereas the said Matthew J. Butler has made such a survey and has filed in the Department of Crown Lands a plan and

and field notes of such survey bearing date February 1st, 1890 ; and whereas it is expedient that the said survey be established and confirmed :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The survey of the township of Kennebec made by Matthew J. Butler, Provincial Land Surveyor, under instructions dated the 29th day of May, 1885, from the Commissioner of Crown Lands is hereby declared to be the true and unalterable survey thereof, and all posts or monuments placed or planted at the front angles of the lots by the said Matthew J. Butler are hereby declared to be the true and unalterable boundaries thereof, and the course of the division or side lines of the lots in the several concessions shall be governed by the astronomical course of the south boundaries of the several concessions as laid down and shown upon said plan by said Matthew J. Butler.

Survey of
Kennebec
confirmed.

2. The side lines in the several concessions in the said township of Kennebec shall be run upon the following astronomical bearings as shown on said plan, that is to say :—In the first concession, on the bearing of north seventy degrees forty-eight minutes and thirty-seven seconds east ; in the second concession on the bearing of north seventy degrees forty-seven minutes and thirty-seven seconds east ; in the third concession, on the bearing of north seventy-one degrees thirty-two minutes and thirty-one seconds east ; in the fourth concession, on the bearing of north seventy degrees forty-five minutes and thirty-seven seconds east ; in the fifth concession, on the bearing of north sixty-nine degrees and fifty-one minutes east ; in the sixth concession, on the bearing of north seventy-one degrees thirty-six minutes and thirty-seven seconds east ; in the seventh concession, on the bearing of north seventy-two degrees thirty-seven minutes and thirty-seven seconds east ; in the eighth concession, on the bearing of north seventy-three degrees and thirty-six minutes east ; in the ninth concession, on the bearing of north seventy-four degrees thirty-six minutes and forty-four seconds east ; in the tenth concession, on the bearing of north seventy-four degrees and six minutes east ; and in the eleventh concession, on the bearing of north seventy-three degrees and nine minutes east, irrespective of the work on the ground, and anything in sections 47 and 59 of chapter 152 of the Revised Statutes of Ontario, 1887, contained, or any other law, usage, or custom to the contrary notwithstanding.

Side lines.

3. Any person who by reason of this Act suffers any injury or damage where no agreement has been arrived at before the passing of this Act, or shall be hereafter made between the parties affected, shall be compensated by the person or persons benefited

Compensation
of persons
injured by Act.

benefited by this Act; the compensation so to be paid, and the persons to pay and receive the same shall in the event of the parties not agreeing between themselves, or not agreeing upon a submission of the matters in difference between them and upon an arbitrator, be ascertained by an arbitrator appointed by the judge of the county court of the county of Lennox and Addington, upon the application of either party interested, and on notice to the mayor or reeve.

Commence-
ment of Act.

4. This Act shall not go into force or effect until a day to be named with respect thereto by proclamation of the Lieutenant-Governor.

CHAPTER 86.

An Act to consolidate the debt of the Town of Listowel.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the corporation of the town of Listowel have, by their petition, represented that they have incurred debts and liabilities for the purpose of giving bonuses to railways and manufacturers and for public improvements to the extent of \$88,710, for which amount debentures of the said town have, from time to time, been issued under the authority of various by-laws; and whereas the said corporation have incurred a floating debt of the sum of \$6,000 in addition to the ordinary expenses of the said corporation, for the payment of which no fund has been provided; and whereas of the said debenture debt of the said town of Listowel, the sum of \$4,710 becomes due and payable in yearly instalments of \$1,000, and interest, on the 15th day of December in each of the years 1890, 1891, 1892 and 1893, under and by virtue of by-law No. 103 of said corporation, the sum of \$15,000 in the year 1891, the sum of \$41,000 in the year 1896, the sum of \$13,000 in the year 1899, and the sum of \$15,000 in the year 1908, together with interest on said several sums; and whereas for the said several debentures except the first named, it has been made to appear that no funds have been provided by way of a sinking fund or otherwise for redeeming the same or any portion thereof, save and excepting only the interest maturing thereon from year to year, and that it would be in the interest of the said town of Listowel to obtain an Act authorizing the issue of debentures in order to retire the said debentures (save and except the said debenture on which is outstanding \$4,000 and interest under by-law No. 103 aforesaid) as they from time to time fall due, and for the other purposes hereinbefore set forth; and whereas the said corporation

tion of the said town of Listowel have, in and by their said petition, prayed for the passing of an Act to entitle them to carry out their said objects; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the corporation of the town of Listowel are hereby consolidated at the sum of \$90,000. and it shall be lawful for the said corporation of the town of Listowel to raise, by way of loan upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons, body or bodies corporate or politic, either in the province of Ontario or in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding \$90,000 of lawful money of Canada. Debts consolidated.

2. It shall be lawful for the said corporation of the town of Listowel to pass by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer and clerk for the time being, in such sums, not exceeding the sum of \$90,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada as the said corporation may deem expedient. Issue of debentures authorized.

3. It shall be lawful for the municipal council of the said corporation of the town of Listowel, for the purposes hereinafter mentioned, to raise money by way of loan on the said debentures in this province or in Great Britain or elsewhere, or sell or dispose of said debentures, or any portion thereof, in this province or in Great Britain or elsewhere, from time to time, as they may deem expedient. Power to borrow on debentures.

4. The said debentures shall be payable in not less than twenty nor more than thirty years from the date thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly on the fifteenth days of the months of June and December in each and every year or yearly on the fifteenth day of December, as said corporation may direct, at the places mentioned therein, and such debentures may bear interest at a rate not exceeding five per cent. per annum. Payment of debentures and interest.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding indebtedness of the town of Listowel Application of debentures.
save

(save and except the first mentioned debenture issued by virtue of said by-law No. 103), and in the payment of the floating debt of the said town of Listowel, and in no other manner and for no other purposes whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Outstanding debentures may be called in.

6. The treasurer of the said corporation shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under this Act, or may, with the like instructions and consent, substitute therefor the said debentures, or any of them, hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the holders of said outstanding debentures.

By-laws not to be repealed until debt satisfied.

7. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Special rate.

8. For the payment of the said debentures to be issued under this Act the council shall impose a special rate per annum, to be called the "Consolidated Loan Rate," (over and above and in addition to all other rates to be levied in each year) which shall be levied in each year and shall be sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal of said debentures when the same shall fall due, and said special rate shall, in each and every year during the continuance of said debentures, be inserted in a separate and distinct column on the collectors' roll of said town and shall not be included with any other rate or rates.

Investment of sinking fund.

9. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act in the redemption of the said outstanding debentures of the said town, or in the debentures issued under the authority of this Act, or in government securities, municipal debentures, or in first mortgages on real estate and being the first lien on such real estate, but not to any greater extent than one-half of the assessed value of such real estate, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same, or that may be sanctioned by the Lieutenant-Governor in Council, or said corporation may deposit the said moneys in any chartered bank or banks of the Dominion of Canada that may be approved of by the council from time to time.

Treasurer to keep books shewing state of debenture account.

10. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does

does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and the investments which shall, from time to time, be made of the sinking fund; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

11. It shall not be necessary to obtain the assent of the electors of the said town of Listowel to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*, or amendments thereto.

Assent of electors to by-laws not required.

Rev. Stat. c. 184.

12. The debentures issued under this Act may be in the form contained in the schedule A to this Act, and the by-law or by-laws authorizing the same, and for the special rate for payment of interest and to form a sinking fund, may be in the form of schedule B to this Act.

Form of debentures.

13. No irregularity in form either of the said debentures to be issued under this Act or of the by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them or any part thereof.

Irregularities in form not to invalidate debentures.

SCHEDULE A.

(Section 12.)

Province of Ontario, Town of Listowel.

CONSOLIDATED DEBT DEBENTURE.

Under and by virtue of an "Act to consolidate the Debt of the Town of Listowel," passed in the year of Her Majesty's reign and chaptered _____, the corporation of the town of Listowel, in the county of Perth, promise to pay the bearer at _____ the sum of _____ on the _____ day of _____ one thousand _____ hundred and _____, and the _____ yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at Listowel, Ontario, this _____ day of _____ A.D.

SCHEDULE

SCHEDULE B.

(Section 12.)

By-law No. to authorize the issue of debentures under the authority of an "Act to consolidate the Debt of the Town of Listowel," passed in the year of Her Majesty's reign, chaptered , and the levying of a special rate for the payment of said debentures.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$90,000 in the whole, as the said corporation of the town of Listowel may direct;

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable on the day of , with interest thereon at the rate of per cent. per annum, payable yearly according to the coupons to the said debentures attached;

And whereas the said Act requires, for the payment of the debentures to be issued thereunder, that the council shall levy a special rate which shall be sufficient to pay the sums falling due annually for interest on said debentures and to provide a sinking fund for the due payment of the principal thereof, and it will require the sum of \$ to be raised annually for the said interest and sinking fund;

And whereas the amount of the whole ratable property of the town of Listowel, according to the last revised assessment roll for the said town, being for the year one thousand hundred and , was \$

Therefore the municipal corporation of the town of Listowel hereby enacts as follows:—

1. That debentures under the said Act and for the purposes therein mentioned, to be known as Consolidated Debt Debentures, to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons attached thereto for the payment of interest at the rate of per cent. per annum, payable yearly on the day of in each year.

3. That for the purpose of forming a sinking fund for the payment of the said debentures and for the interest at the rate aforesaid to become due thereon, the sum of \$ shall, over and above and in addition to all other sums or rates, be raised, levied and collected, in each year, upon all ratable property in the said town of Listowel during the continuance of the debentures or any of them.

This by-law passed, in open council, this day of in the year of our Lord one thousand hundred and

CHAPTER 88.

An Act to Incorporate the Town of Little Current.

[Assented to 7th April, 1890.]

WHEREAS it is expected that the population on the lands hereinafter described will rapidly increase upon the construction of a line of railway to them, and that such line of railway will shortly be completed; and whereas the residents and ratepayers of the said lands have petitioned to be separated from the municipality of Howland, and formed into a corporate town and the council of the municipality of Howland have by their petition set forth that the incorporation of the said lands as a town, will tend to its advancement and empower its ratepayers to make the most desirable regulations for the protection and improvement of property and that the incorporation of the said town would promote its progress and prosperity, and have prayed for incorporation accordingly; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On and after the passing of this Act the lands hereinafter described, shall be separated from the municipality of Howland, and the residents and ratepayers thereof shall be, and they are hereby constituted a corporation or body politic under the name of "The Corporation of the Town of Little Current," and shall have all the rights, powers and privileges, enjoyed and exercised by incorporated towns separated from counties in the Province of Ontario, under the existing municipal laws of the said Province except where otherwise provided by this Act.

Town of Little Current incorporated.

2. The said town of Little Current shall comprise and consist of the following lands, that is to say: all and singular that certain tract of land and land covered with water, situate, lying and being in the temporary judicial district of Manitoulin and Province of Ontario, being composed of the town plot of Shaftesbury, and a part of the township of Howland, also of the water fronts adjoining thereto, and which may be better known and described as follows, that is to say: commencing at the north-west angle of lot number 25, in the eleventh concession of the said township; thence south 19 degrees and 26 minutes east astronomically along the westerly limits of lots numbers 25, 24 and 23, in the said eleventh concession, 64 chains more or less to the south-west angle of the said lot number 23; thence north 70 degrees and 34 minutes east astronomically,

Boundaries of town.

astronomically, along the southerly limit of said lot number 23, 26 chains more or less to its intersection with the southerly limit of Cockburn street, in the said town plot of Shaftesbury; thence easterly along the said southerly limit of Cockburn street 29 chains more or less to its intersection with the easterly limit of lot number 22, in the said eleventh concession; thence south 19 degrees and 26 minutes east, astronomically, along the easterly limit of said lot number 22, 2 chains and 50 links, more or less, to the south-east angle of the said lot number 22; thence north 70 degrees and 34 minutes east, astronomically, across the Manitowaning road, along the southerly limit of park lot number 15, across Russel street, and along the southerly limit of park lot number 15, in the town plot of Shaftesbury aforesaid, 20 chains and 50 links, more or less, to the south-east angle of the said park lot number 16; thence north-easterly along the easterly limits of park lots numbers 16, 17, 18, 19, 20, 21 and 23, in the said town plot, 34 chains and 50 links, more or less, to the north-east angle of said park lot number 23; thence north-easterly along the production of the easterly limit of the said park lot number 23 6 chains and 30 links, more or less, to a point in the waters of lake Huron, distant three hundred feet from high water mark, and at right angles to the shore thereof; thence westerly along the line parallel to and 300 feet distant from the high water mark of the said lake, to the intersection of the production north-westerly of the westerly limit of the said lot number 25 in the eleventh concession; thence south-easterly along the said production of limit, 5 chains and 54 and one-half links, more or less, to the place of beginning, containing by admeasurement 499 acres, be the same more or less.

Wards.

3. The said town shall be divided into two wards to be called respectively, the "first" and "second" wards, the first ward shall comprise and consist of all the lands within the said town lying west of the following described lines: commencing at a point in lake Huron on the northerly boundary of said town, where a line drawn through the centre to Worthington street, and produced meets the said northerly boundary; thence in a southerly direction along the said production and along the said centre line of Worthington street, to a point where the said centre line cuts the southerly boundary of the said town; the said second ward shall comprise and consist of all the lands within the said town of Little Current, lying east of the said above described line.

Municipal Acts to apply.

4. Except where otherwise provided by this Act the provisions of *The Municipal Act*, and of any Act amending the same with regard to matters consequent on the formation of new corporations shall apply to the said town of Little Current in the same manner as if the said town had been an incorporated village and had been erected into a town under the provisions of the said Act.

5. Immediately after the passing of this Act it shall be lawful for David McGilvery, Esquire, of the said town, who is hereby appointed returning officer, to hold the nomination for the first election of mayor, and councillors at the town hall, in the said town of Little Current, having first caused one week's notice thereof to be posted up in three conspicuous places in each of the said wards, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination and such chairman for the time being shall have all the powers of a returning officer. The polling for the said elections if necessary shall be held on the same day of the week in the week following the nomination, and the returning officer or chairman shall at the close of the nomination publicly announce the place in each of the said wards at which the polling shall take place.

Nomination
for first elec-
tion.

6. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the said town is divided, and such returning officer and each of such deputy returning officers shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers, and deputy returning officers at elections in towns in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Deputy re-
turning offi-
cers.

7. The clerk of the said municipality of Howland and any other officer thereof shall upon demand made upon him by the said returning officer or any officer of the said town or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said municipality of Howland, as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election or with the collector's roll or such documents, statements, writings or deeds, as may be required for that purpose, and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively and each such copy shall be verified on oath.

Copy of assess-
ment roll to be
furnished by
clerk of town-
ship.

8. The council of the said town to be elected in manner aforesaid shall consist of the mayor who shall be the head thereof, and six councillors, three being elected for each ward; and they shall be organized as a council on the same day of the week in the week next following the week of the polling or if there be no polling on the same day of the week next following

Council.

Rev. Stat. c.
184.

following the week of the said nomination; and subsequent elections shall be held in the same manner, and the qualifications for mayor and councillors and for electors at such subsequent elections shall be the same as in towns incorporated under the provisions of *The Municipal Act* and any Act amending the same; and the said council and their successors in office shall have, use, exercise and enjoy, all the powers and privileges vested by the said municipal laws in councils of towns separated from counties and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Oaths of office
and qualifica-
tion.

9. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of the Province of Ontario to be taken by persons elected or appointed to like offices in towns.

Qualification
at first elec-
tion.

10. At the first election of mayor and councillors for the said town of Little Current the qualification of mayor and councillors, of officers required to qualify and of electors, shall be the same as that required in the municipality of Howland.

Expenses of
Act.

11. The expense incurred to obtain this Act and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any person or persons who may be entitled thereto.

By-laws con-
tinued.

12. All by-laws which are in force in the municipality of Howland shall continue to be in force as if they had been passed by the corporation of the town of Little Current, and shall extend and have full effect within the limits of the town hereby incorporated until repealed by the new corporation.

Adjustment of
debts and
liabilities on
separation
from munic-
ipality of How-
land.

13. Except as otherwise provided by this Act the property, assets, debts, liabilities, and obligations of the municipality of Howland shall be apportioned between the said municipality of Howland and the said town of Little Current as may be agreed upon; and in case of no agreement then by the award of three arbitrators, one being appointed by each of the said municipalities of Howland and the town of Little Current and the third being chosen by the said two; and if from any cause whatever either of the said municipalities shall not have appointed an arbitrator within three months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality so making default, and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award of the said arbitrators, or a majority

majority of them, shall be as valid and binding in all respects as if the said arbitrators had been regularly appointed by the said respective municipalities.

14. Arrears of taxes due to the said corporation of the town of Little Current shall be collected and managed in the same way as the arrears due to towns separated from counties and the mayor and treasurer of the said town shall perform like duties in the collection and management of arrears of taxes as are performed by the said officers in other towns in Ontario separated from counties, and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor shall apply to the said corporation of the town of Little Current and to sales of land therein for arrears of taxes due thereon and to deeds given therefor. Collection of taxes.

15. The council of the said town may pass a by-law for taking the assessment of the said town for the year from the first of January to the thirty-first of December 1890, between the first day of April and the first day of August, 1890, and if any such by-law extends the time for making and completing the assessment rolls beyond the first day of June 1890, then the time for closing the court of revision shall be six weeks from the day to which such time is extended, and the final return by the judge twelve weeks from that day. Time for taking assessment.

16. Nothing contained in this Act shall free the township or wards comprising the municipality of the town of Little Current hereby formed, from any liability now existing against the municipality of Howland and the creditors of the said municipality of Howland shall continue to have all the rights and remedies which they had previous to the passing of this Act, for the enforcement of their claims against the townships and wards heretofore comprising the said municipality of Howland. Rights of creditors of municipality of Howland not affected.

17. All provisions of law relating to the municipality of Howland and inconsistent with this Act shall not apply to the town of Little Current, or the lands within the limits of the said town. Repeal of inconsistent provisions.

CHAPTER 89.

An Act respecting the City of London.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the corporation of the city of London have by their petition prayed for special legislation in respect to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Part of township of Westminster annexed to city of London.

1. On, from and after the first day of May, 1890, that part of the township of Westminster, in the county of Middlesex, which is described in the schedule "A" to this Act, shall be annexed to and form part of the city of London in the said county.

Part annexed to form ward of city.

2. The said part of the township of Westminster so added to the city of London as aforesaid, shall be and become a ward of the said city, and shall be called and known as ward number six, and it shall be subject to and liable for the debts and obligations of the corporation of the said city of London now existing or which shall be in existence on the said first day of May, 1890, and shall also, subject to the provisions of section 5, be liable to the same rates for the payment thereof as the remainder of the said city.

Assessment of new ward.

3. It shall be the duty of the council of the said corporation to appoint immediately after the passing of this Act an assessor who shall be a resident of the said ward number six, to act in conjunction with the assessment commissioner of the said city in making the assessment for the year 1890 of that part of the said township of Westminster so to be added to the said city as aforesaid, and the assessment so made shall be the assessment of the said ward number six for the year 1890.

Municipal laws to apply.

4. Save as herein specially provided to the contrary thereof, all the provisions of *The Municipal Act* and amendments thereto, relating to lands added to a city and the matters and proceedings consequent thereon, shall apply to the said added part and to the addition of it to the said city of London.

Rate of taxation in new ward.

5. For the period of fifteen years from the first day of January, 1890, the rate of general municipal taxation upon real and personal property within the said ward number six shall

shall be less by six mills on the dollar than the rate for the remainder of the said city of London, and the assessment of property in the said ward number six shall be made upon the same basis of valuation as in the remainder of the said city.

6. It shall be the duty of the water commissioners for the said city of London, so soon as possible after the said first day of May, 1890, to cause to be laid water mains for domestic and fire purposes upon such streets in the said ward number six as will adequately protect the property in the said ward from fire, and to supply the inhabitants of the said ward with water for domestic purposes from their system, upon the same terms and subject to the same conditions as shall for the time being apply to the remainder of the said city of London and the inhabitants thereof, and hydrants shall within seven months from the said first day of May, 1890, be placed in the said ward number six in the positions mentioned in the schedule "B" of this Act.

Water mains to be laid in new ward.

7. The corporation of the said city of London shall erect a joint fire and police station in the said ward number six, and provide in said ward a fire alarm service similar to that in the remainder of the said city, and shall within four months after the said first day of May, 1890, erect and place within the said ward electric or other lamps sufficient for the proper lighting of the said ward and equally as good, having regard to their situation and the nature of the locality as are supplied for the remainder of the said city.

Lighting, and fire and police protection in new ward.

8. The said ward number six shall be entitled to its reasonable and just proportion of the appropriations from time to time made by the council of the said corporation for public improvements, police and fire protection and street lighting, out of which appropriations there shall be expended during the said fifteen years upon each street in the said ward a sum for repairs and improvements not less than the amount expended thereon as and for statute labor in the year 1889.

Appropriation for public improvements in new ward.

9. There shall be collected upon the assessment for the said ward number six for the year 1890 only two-thirds of the amount which a rate struck according to the provisions of this Act would produce, together with a sum sufficient to re-imburse the corporation of the said township of Westminster the amount which shall have been expended by it between the first day of January, 1890, and the first day of May, 1890, within the said ward number six, and the corporation of the said city shall pay to the corporation of the said township the amount so expended by it, on or before the 31st day of December, 1890.

Certain moneys expended by township of Westminster to be repaid.

10. Immediately after the said 1st day of May, 1890, there shall be elected for the said ward number six, three aldermen.

Aldermen in new ward.

Nomination
for first elec-
tion of alder-
men.

11. The proceedings for the nomination and election of the said three aldermen shall be the same as if three aldermen of the said ward number six had vacated their offices, and a new election were being held to fill the vacancies so created.

Election of
school trus-
tees in new
ward.

12. Immediately after the said first day of May, 1890, there shall be elected for the said ward number six two public school trustees.

Nomination
for first elec-
tion of trus-
tees.

13. The proceedings for the nomination and election of the said trustees shall be the same as if two trustees of the said ward number six had vacated their offices, and a new election were being held to fill the vacancies so created

Power to
grant land to
E. Leonard &
Sons.

14. The corporation of the said city of London may grant to the firm of E. Leonard & Sons, their heirs and assigns, the southerly thirty-three feet of York street east, between Waterloo and Colborne streets in fee simple, subject to the proviso and condition that the same shall revert to the said corporation as and for the purpose of a public highway, if the same shall at any time hereafter cease to be used for manufacturing purposes, and upon the same being so granted as aforesaid the said thirty-three feet of York street east aforesaid shall be vested in the said firm in fee simple, subject to the said proviso and condition, and to the terms of any agreement which may be entered into between the said corporation and the said firm.

Power to
exempt
property of E.
Leonard &
Sons from
taxation.

15. The council of the said last mentioned corporation may by by-law enact that for the period of ten years from the first day of January, 1890, the real estate of the said firm of E. Leonard & Sons in the said city where their business is now carried on, including the said portion of the said street and the personal estate used and employed by them in their said business shall not be assessed at a greater sum in the aggregate than \$70,000 in any year.

41 V., c. 27,
s. 6, repealed.

16. Section 6 of the Act passed in the forty-first year of Her Majesty's reign intituled "*The London Waterworks Amendment Act of 1878*," is hereby repealed.

Power to
borrow
\$130,000 for
extension of
waterworks.

17. Notwithstanding the provisions of any Act or law, the said last mentioned corporation may borrow for any period not exceeding thirty years such sum not exceeding \$130,000 as to the council thereof may seem meet, and the moneys so borrowed shall form a fund for and be applied in extending the system of waterworks of the said city, and so far as it may not be necessary to use the same for that purpose, the said water commissioners shall pay the same over to the treasurer of the said city to be applied for the general purposes thereof, but such last mentioned application shall not be made to any greater extent than \$60,000, which represents the amounts paid by the said commissioners on capital account out of the revenues of the said waterworks.

18. Notwithstanding the provisions of any Act or law, the last mentioned said corporation may borrow for any period not exceeding thirty years, such sums not exceeding \$40,000 as in the opinion of the council thereof may be from time to time required for erecting or adding to public school buildings within the said city.

Power to borrow \$40,000 for school purposes.

19. It shall not be necessary that any by-law for the purposes mentioned in the two preceding sections, or any of them, shall be submitted to or receive the assent of the ratepayers of the said city, but all the other provisions of *The Municipal Act* and amendments thereto which are applicable, and which are not inconsistent with the provisions of this Act, shall apply to every such by-law.

Assent of electors not required.

20. Notwithstanding the provisions of any Act or law the corporation may borrow for any period not exceeding twenty years such sums not exceeding in the whole \$30,000 as may by by-law passed in accordance with the provisions of *The Municipal Act* be granted by way of bonus to any manufacturing establishment.

Power to borrow \$30,000 to bonus manufactures.

21. The debentures issued for any of the purposes mentioned in sections 17, 18 and 20 may bear such rate of interest not exceeding six per cent as the council of the corporation of the city of London may from time to time determine.

Rate of interest on debentures.

22. Until after the next ensuing general election of members of the Legislative Assembly of Ontario the said ward No. 6 shall form a part of the Electoral District of the East Riding of Middlesex.

New ward be part of East Riding of Middlesex.

23. Immediately after the passing of this Act the municipal council of the corporation of the said township of Westminster shall pass to its second reading a by-law affirming the expediency of the addition to the said city of London of that part of the said township of Westminster described in schedule A to this Act on the terms and conditions mentioned in this Act, and shall submit the said by-law to the vote of the electors of the said part of the said township of Westminster qualified to vote at municipal elections, and the voters' list to be used shall be that mentioned in section 128 of *The Municipal Act*.

Township council to submit by-law as to annexation to electors.

24. The voting on the said by-law shall take place on Monday, the 21st day of April 1890, and the provisions of *The Municipal Act* as to voting on by-laws requiring the assent of the electors which are applicable, except those relating to the persons entitled to vote, the oaths to be taken, (which shall be the same as at municipal elections,) and the period and manner of publishing the by-law and the voters' list to be used, as to all which the provisions of this Act shall govern, shall apply to the voting on the said by-law.

Voting on by-law.

Publication of
by-law.

25. It shall be sufficient publication of the said by-law if a copy hereof with a notice of the time and place of the taking of the vote thereon be published in a public newspaper published in the said city of London twice a week after the passing of the said by-law until the day fixed for taking the said vote.

Upon assent
of electors
council to pass
by-law.

26. If the said by-law shall receive the assent of a majority of the municipal electors voting thereon as hereinbefore provided sections 1 to 13 both inclusive and sections 22 of this Act shall go into effect, and it shall be the duty of the said municipal council of the corporation of the township of Westminster within ten days after the said vote shall have been taken, to finally pass the said by-law.

Act not to go
into effect
until electors
assent.

27. If the said by-law shall not receive the assent of the electors, the sections of this Act mentioned in the next preceding section shall not go into effect.

Irregularities
in form not to
invalidate
by-law.

28. The said by-law when and as finally passed as aforesaid, shall be valid and binding notwithstanding any want of substance or form either in the by-law itself or in the time and manner of passing the same.

Provision in
case by-law
not finally
passed by
May 1st.

29. If the said by-law shall not for any reason be finally passed before the first day of May next, the coming into force of the sections of the said Act which are to come into force on that day shall take place on the day when the said by-law is finally passed.

Copy of by-
law when
passed to be
filed with
Provincial
Secretary.

30. A copy of the said by-law with a certificate of the clerk of the said township of Westminster, that the said by-law was finally passed, and of the day of the final passing thereof, shall be deposited in the office of the Provincial Secretary, and the same when so deposited shall be deemed conclusive evidence that the conditions upon which the sections of this Act mentioned in section 26 were to go into effect have been complied with, and it shall be the duty of the Provincial Secretary to give notice in the *Ontario Gazette* accordingly that the said sections came into force on the day of the passing of the said by-law.

Costs of sub-
mitting by-
law.

31. The costs of the submission of the said by-law to and voting on it by the electors shall be paid by the municipal council of the corporation of the said township of Westminster and shall be repaid to it by the corporation of the said city of London on demand.

City may pro-
cure tempor-
ary loan in
place of
debentures.

32. The corporation of the said city of London may instead of selling the debentures authorized to be issued under the provisions of this Act procure a temporary loan or loans of such sum or sums as it may require to expend for the purposes for which

which the said debentures are respectively authorized to be issued, and may from time to time renew the same and may hypothecate the said debentures or any of them for the purpose of securing such loan or loans or any renewal thereof, but such temporary loan or loans shall not be made or renewed for any period exceeding in the whole four years from the passing of this Act.

SCHEDULE A.

(Section 1.)

That portion of the township of Westminster in the county of Middlesex, which is described as follows, that is to say, commencing at the intersection of the south branch of the river Thames by the centre line of the original road allowance between lots numbers twenty-four and twenty-five in the broken front concession of the said township of Westminster; thence southerly along the centre of said road allowance between lots number twenty-four and twenty-five to a point distant twenty chains northerly from the northerly limit of the base line; thence westerly parallel to the base line to the centre of Hamilton street; thence southerly along the centre of Hamilton street to the centre of Chester street; thence westerly along the centre of Chester street and the continuation in a straight line thereof to the centre of the Wortley road; thence northerly along the centre of the Wortley road to the limit between lots numbers one and two west of the Wortley road; thence westerly along said last mentioned limit and the limit between lots numbers one and two east of the Wharncliffe road to the centre of the Wharncliffe road; thence northerly along the centre of the Wharncliffe road to the limit between lots numbers three and four west of the Wharncliffe road; thence westerly along said last mentioned limit to the centre of the cove or old channel of the river Thames; thence south-westerly, westerly and northerly along the centre of the said channel to the centre of the river Thames; thence along the centre of the river Thames and the south branch thereof against the stream to the place of beginning, together with so much of the said river as now lies between the city of London and the lands above described.

SCHEDULE B.

(Section 6.)

1. At intersection of Bridge street and Wellington road.
2. At intersection of Hamilton row and Hamilton street.
3. At Wellington road near angle thereof.
4. On Hamilton street about midway between Hamilton Row and Emery Street.
- 5.

5. At intersection of Hamilton street and Emery street.
6. At intersection of Queen street and Craig street.
7. At intersection of Queen street and Bruce street.
8. At intersection of Queen street and Hamilton row.
9. At intersection of Queen street West and avenue and Emery street.
10. At intersection of Wortley road and Stanley street.
11. At intersection of Wortley road and Beaconsfield street.
12. At Wortley road midway from Alma and Beaconsfield street.
13. At intersection of Wortley road and Alma street.
14. At intersection of Wortley road and Askin street.
15. At intersection of Wortley road and Bruce street.
16. At intersection of Wortley road and James street.
17. At intersection of Wortley road and Victoria avenue.
18. At intersection of Wortley road and Tecumseh avenue.
19. At intersection of Wortley road and Langarth street.
20. At intersection of Wortley road and Wreay street.
21. At intersection of Becher street and Macbeth street.
22. At intersection of Beech street and Alma street.
23. At intersection of Askin street and Cynthia street.
24. At intersection of Askin street and Teresa street.
25. At intersection of Bruce street and Teresa street.
26. At intersection of Bruce street and Edward street.
27. At intersection of Elmwood avenue and Edward street.
28. At intersection of Elmwood avenue and Cathcart street.
29. At intersection of Tecumseh avenue and Edward street.
30. At intersection of Tecumseh avenue and Cathcart street.
31. At intersection of Langarth avenue and Cathcart street.
32. On Riverview street midway between each end thereof.
33. At intersection of Wharnccliffe highway and Stanley street.
34. At intersection of Wharnccliffe highway and Pipe Line road.
35. At intersection of Wharnccliffe highway and Maple street.
36. At intersection of Wharnccliffe highway and Alma street.
37. At intersection of Wharnccliffe highway and Askin street.
38. At intersection of Wharnccliffe highway and Bruce street.
39. At intersection of Wharnccliffe highway and Victoria avenue.
40. At intersection of Kent avenue and Pipe Line road.
41. On Centre street midway between each end thereof.

CHAPTER 90.

An Act to Consolidate the Debenture Debt of the
County of Middlesex.*[Assented to 7th April, 1890.]*

WHEREAS the corporation of the county of Middlesex Preamble.
have by petition set forth that the total present indebtedness of the said county, originally contracted or incurred previous to the first day of January, 1863, together with the sum of \$40,000 expended for the abolition of tolls on county roads, is the sum of \$503,900, now secured by debentures; and that they desire to discharge the said indebtedness by the issue of new debentures; and whereas it is further set forth in the aforesaid petition that the only other indebtedness of the said county is the sum of \$20,000 now secured by debentures for the payment of which, with the interest thereon, the whole of the said county, as at present constituted is liable, and to which no part of this Act is to apply; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the county of Middlesex may raise by way of loan upon the credit of the debentures hereinafter mentioned, from any person or persons body or bodies corporate in this Province or in Great Britain or elsewhere a sum of money not exceeding \$503,900 exclusive of interest. Power to borrow on debentures \$503,900.

2. The said corporation from time to time in such manner as the council thereof shall by by-law direct may cause to be issued debentures of the said county, with coupons attached, for the payment of interest thereon under its corporate seal, signed by the warden and countersigned by the treasurer thereof, in such sums not exceeding in the whole \$503,900, exclusive of interest, and payable at such periods as the council thereof shall direct, but not exceeding twenty years from the respective dates of the issue thereof, and the principal sums secured by such debentures and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere, as the said council shall direct or deem expedient. Issue of debentures authorized

3. The proceeds of the sale of the said debentures, which may from time to time, as decided by the council of the said corporation, be issued under this Act, shall be applied by the said corporation in payment of the now outstanding debentures representing the hereinbefore first-mentioned indebtedness, and for no other purpose whatever, and the treasurer of the said county, on receiving instructions so to do from the Application of debentures.
said

said council, may, with the consent of the holders of the said outstanding debentures, call in such outstanding debentures and discharge the same with the funds raised under this Act, or may substitute therefor debentures issued under this Act, as may be agreed between the holders of such outstanding debentures and the said corporation.

Provisions of
municipal Act
to apply.

4. Except where otherwise provided by this Act, the payment, satisfaction and discharge of the said debentures and the providing for such payments and the issue of said debentures, and all by-laws passed in respect thereof shall be in conformity with and as required by either sections 340 or 342 of *The Municipal Act*.

By-laws not to
be repealed
until debt
paid.

5. Any by-law passed under this Act authorizing the issue of said new debentures, or any part thereof, shall not be repealed until the debt created thereby and interest thereon shall be paid and satisfied.

Assent of
electors to by-
law not
required.

6. It shall not be deemed necessary to the validity of said debentures to obtain the consent of the electors of the said county to the passing of any by-law under this Act or to observe the provisions of section 345 of *The Municipal Act*, but except otherwise provided by this Act, all other provisions of said Act shall apply to said debentures and to all by-laws to be passed in respect thereof.

Certain local
municipalities
excepted from
liability.

7. The townships of Biddulph and McGillivray, the village of Lucan, originally part of the township of Biddulph, and that part of the village of Ailsa Craig, which formerly formed part of the township of McGillivray formerly belonging to and detached from the county of Huron and annexed to the county of Middlesex by chapter 28 of the Acts of the late Province of Canada passed in the 25th year of Her Majesty's reign, shall be exempt from any and all charge or liability for the payment of the debentures issued under this Act or the interest thereon or any portion of either thereof, or which may hereafter be issued in renewal or substitution therefor.

County council
to levy rate
for payment
of debentures.

8. It shall be lawful for and imperative upon the council of the county of Middlesex to make and levy from time to time, the amounts required to pay the debentures issued under this Act, and the interest thereon, upon and from the municipalities now constituting the county of Middlesex, except the townships of Biddulph and McGillivray, the village of Lucan, and so much of the village of Ailsa Craig as formerly formed part of the township of McGillivray, upon which no part thereof shall be levied.

Provisions of
47 V. c. 52,
not to be
affected.

9. Nothing in this Act contained shall be taken or held to vary or repeal the whole or any part of the Act of the Legislature of Ontario, intituled "An Act respecting the debt of the County of Middlesex," passed in the 47th year of Her Majesty's reign and chapter 52.

CHAPTER

CHAPTER 91.

An Act respecting certain By-laws of the Municipality of Neebing.

[Assented to 7th April, 1890.]

WHEREAS the corporation of the municipality of Neebing, Preamble. and the school board of the municipality, and over two-thirds of the ratepayers of the township of McKellar, in the said municipality of Neebing have, by their petitions, prayed that the agreement between the Canadian Pacific Railway Company and the said municipality of Neebing, bearing date the thirtieth day of September, A. D. 1889, together with the by-law of the said municipality of Neebing passed in pursuance thereof, being by-law number 101 (both of which instruments have been by vote of the ratepayers of the said township of McKellar, unanimously adopted) may be confirmed and legalized and declared to be binding upon all parties affected thereby; and whereas the corporation of the municipality of Neebing has by its petition represented that it is desirable to confirm a certain by-law heretofore passed by its council, affecting the Port Arthur, Duluth and Western Railway Company, and to confer additional powers upon the said municipality; and whereas it is expedient to grant the prayer of the said petitions:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The agreement made and entered into between the Canadian Pacific Railway Company and the corporation of the municipality of Neebing, bearing date the 30th day of September, A. D. 1889, which agreement is set out in schedule "A" appended to this Act, together with the by-law passed by the said municipality pursuant to the said agreement and numbered 101, which by-law is set out in full in schedule "B" appended to this Act are both and each of them is hereby confirmed and declared to be a good, valid and subsisting and binding contract and by-law respectively, both upon the corporations thereto, their respective successors and assigns respectively, as well as upon all the ratepayers and inhabitants of the said municipality and all other persons, firms, companies, boards or corporations mentioned or included therein or affected thereby Agreement with C. P. R. and by-law No. 101 confirmed.

2. The by-law of the said corporation numbered 99, and intitled "A by-law for granting aid by way of a bonus to the Port Arthur, Duluth and Western Railway Company," and finally passed on the eighteenth day of October, 1889; and which by-law is set out in full in the schedule C appended to this Act, is hereby confirmed and declared to be a good, valid and By-law 99 of the municipality of Neebing confirmed.

and subsisting by-law, and to be binding upon the said corporation, its successors and assigns, and also upon the ratepayers and inhabitants of the said municipality, and all other persons interested therein, notwithstanding any want of substance or form, either in the by-law itself or in the time or manner of passing the same, and the debentures issued thereunder shall be absolutely valid and binding upon the said municipality according to the terms thereof. Provided, however, that the said debentures shall not be issued or sold or handed over to the said railway company unless and until the main line of the said railway shall have been built on or before the 1st day of July, 1891, through the said municipality to within 200 feet of the junction of Victoria Street and the township line between the townships of Neebing and Neebing additional and until after a resolution shall have been duly passed by the said council of the municipality of Neebing authorizing the same.

Proviso.

Preamble.

3. Whereas the by-laws in this section mentioned and referred to were submitted to the vote of the ratepayers according to the provisions of the Act in that behalf and were duly approved by the said ratepayers, but there not being a separate council for each of the said townships or wards of Neebing and McKellar doubts have arisen as whether the said by-laws are valid, and it is expedient to remove the said doubts; Be it therefore enacted as follows:—

By-law 96 confirmed.

(1) By-law numbered 96 of the corporation of the municipality of Neebing passed on the 18th day of September, 1889, granting a bonus of \$1,300 from the township of Neebing to Thomas Trotter Thompson, for the establishment of a foundry to be located in the said township is hereby declared valid.

By-law 95 to be submitted to ratepayers of township of McKellar.

(2) By-law numbered 95 of the corporation of the municipality of Neebing passed on the 18th day of September, 1889, granting a bonus of \$1,200 for the township of McKellar, to the said Thomas Trotter Thompson, for the establishment of the said foundry, is hereby declared valid, but the said by-law shall not take effect unless, and until the assent shall have been obtained thereto of the same number of the ratepayers in the said township of McKellar entitled to vote on such by-law as would be necessary to carry a by-law, granting a bonus in aid of a manufacture to be established within the said township, and the question to be submitted to the said ratepayers shall be, "Shall By-law No. 95 of the municipality of Neebing, passed on the 18th September, 1889, granting a bonus of \$1,200 from the township of McKellar, to Thomas Trotter Thompson, for the establishment of a foundry in the township of Neebing take effect." Notice of the time and place for taking poll on the said question shall be published and given, and all other proceedings connected therewith shall be taken and had in the same manner as nearly as may be as prescribed by sections 293 to 326 both inclusive of *The Municipal Act*.

SCHEDULE "A."

(Section 1.)

This indenture, made in duplicate this thirtieth day of September, one thousand eight hundred and eighty-nine, between the Canadian Pacific Railway Company, hereinafter called "the company," of the first part: and the corporation of the municipality of Neebing, hereinafter called "the municipality," of the second part,

Witnesseth, that whereas by by-law number seventy-three of the corporation of the municipality of Neebing it was provided:—

"1. By way of bonus to the Canadian Pacific Railway Company from the township of McKellar, in the municipality of Neebing, the said municipality grants to the said railway company in aid of such railway the sum of \$120,000, and it shall be lawful for the reeve of the said municipality to raise by way of loan upon the security of the debentures hereinafter mentioned from any person or persons, or corporation or corporations who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole the sum of \$120,000, and to cause the same to be paid into the hands of the treasurer of the said municipality for the purposes and with the objects above recited.

"2. It shall be lawful for the said reeve to cause any number of debentures to be made and issued for such sums of money as may be required for the purposes of this by-law, either in currency or sterling money, not less than \$100 currency or £20 sterling each, and not exceeding in the whole the sum of \$120,000, as in the immediately preceding section mentioned, and that the said debentures shall be sealed with the seal of the corporation of the municipality of Neebing, and be signed by the reeve, being the head of the said corporation, and also by the clerk of the said municipality.

"3. The said debentures shall be made payable in twenty years from the date when this by-law shall take effect, either in currency or sterling in this Province, Great Britain or elsewhere, and shall have attached to them coupons for the payment of interest.

"4. The said debentures shall bear interest at the rate of six per cent. per annum from the date thereof, which interest shall be payable half-yearly, on the first days of September and March in each year, at the place where the said debentures shall be made payable in this Province, Great Britain or elsewhere."

And whereas by an Act of the Legislative Assembly of the Province of Ontario, an Act respecting the municipality of Neebing, the said by-law number seventy-three was declared valid, and it was therein provided that the said by-law should not take effect unless and until the council of the municipality of Neebing should pass a resolution in that behalf.

And

And whereas the said municipality has agreed to pass a resolution declaring that the said by-law shall take effect, and to hand over the debentures to be issued under the said by-law upon the execution of this indenture by the company.

Now therefore this indenture witnesseth that the company agrees with the municipality in consideration of the said bonus of \$120,000, under the provisions of the said by-law, being delivered to the company hereunder that the principal works and workshops of the company in the vicinity of Thunder Bay which may be erected by the company during the time the company desires to continue to take the benefit of exemption and of the payment of taxes under the provisions hereof, will be located and erected within the township of McKellar in the said municipality.

2. The company further agrees with the municipality to take the said debentures at par in lieu of becoming purchasers, and paying the amount thereof into the hands of the treasurer of the municipality, and receiving the said amount from him in currency.

3. The company further agrees with the municipality that upon the receipt of the said debentures, that they will at once deposit the same with two trustees, one to be appointed by each of the parties hereto, and in case of a vacancy in the trusteeship the party appointing the original trustee whose place is vacant may appoint his successor. Such trustees may place said debentures in any Canadian Chartered Bank for safe keeping, and are to hold said debentures and coupons for the following purposes: To pay with the coupons overdue, or as they may become due, all assessments, rates, levies, and taxes for the past years and the present year upon the real and personal property of the company in the township of McKellar except (a) the real property of the company actually used and occupied by any other person or other corporation for the sole use and benefit of such other person or corporation by and with the consent and approval of the company while and during the period it is so actually used and occupied as aforesaid; (b) any vacant land of the company held for sale for speculative purposes by the company while the same is held for the purposes aforesaid.

4. Upon the passing of the by-law, which will exempt all the real and personal property of the company in the township of McKellar, except as aforesaid, from all municipal taxation for the period of ten years from the first day of December, eighteen hundred and eighty-nine, to cancel and deliver up to be destroyed debentures to the face value of \$60,000 with all their coupons not required for the purposes aforesaid.

5. To apply the coupons of the remaining \$60,000 debentures, or so much thereof as may be necessary to pay all school rates or taxes which may be assessed or levied upon the said property which is to be so exempt as aforesaid during the said period of ten years from the first of December, 1889.

6. If upon the expiration of the said ten years from the first day of December, 1889, the said real and personal property, with the exception aforesaid, be made exempt from municipal and school taxes for the period of ten years thereafter, then to cancel and deliver up to the municipality to be destroyed the balance of the debentures and their coupons not used for the purpose aforesaid.

7. If upon the expiration of the said first ten years after the first of December, 1889, the said real and personal property in the township of McKellar, except as aforesaid, is not made exempt from all municipal and school taxation for said period of ten years, then the said trustees are to apply so much of the said coupons and the said debentures of \$60,000 remaining in their hands to pay all of the said municipal and school rates and taxes upon the said real and personal property during the said period of ten years from the first day of December, 1899, as the same may become due, and upon the expiration of the said ten years from the first day of December, 1899, to cancel and deliver up to the municipality to be destroyed the balance of the said debentures and coupons which may not have been used or applied for the purpose of paying said taxes and rates as aforesaid.

In witness whereof the parties hereto have caused their respective seals to be affixed and the hands of their respective officers to be set.

Signed, sealed and executed in the presence of

THE CANADIAN PACIFIC RAILWAY COMPANY :

(Signed) W. C. VAN HORNE,
President.

.....
: SEAL :
:

(Signed) G. DRINKWATER,
Secretary.

THE CORPORATION OF THE MUNICIPALITY OF
NEEBING :

(Signed) J. T. BETHUNE, *Reeve.*

(Signed) THOS. T. THOMSON, (Signed) JNO. R. BROWN,
as to the signatures of John *Clerk.*
McKellar and Jno. R. Brown.

SCHEDULE "B."

(Section 1.)

MUNICIPALITY OF NEEBING.

No. 101.

By-Law respecting a bonus of \$120,000 from the township of McKellar to the Canadian Pacific Railway Company.

Whereas by Act of the Legislative Assembly of the Province of Ontario, being chapter 66 of 52 Victoria, this municipality had certain powers conferred upon it with respect to railway companies; and whereas the said municipality of Neebing has entered into a contract with the Canadian Pacific Railway Company, bearing date the thirtieth day of December, A. D. 1889; and whereas in pursuance of said agreement the municipality has passed by-law number 97, exempting the real and personal property of the Canadian Pacific Railway Company in the township of McKellar in this municipality, as hereinafter particularly set out, from all municipal taxation whatever for a period of ten years from the first day of December, A. D. 1889, intending to include thereby all school rates, and which said by-law when submitted to the ratepayers of the McKellar ward was carried unanimously; and whereas this municipality desires, in pursuance of said agreement, to pass this by-law exempting the aforesaid property in the township of McKellar aforesaid from all municipal taxation for a period of ten years from the first day of December, A. D. 1899; and whereas this municipality also desires, in pursuance of said agreement, and of the unanimously expressed wish of the ratepayers of the said township of McKellar, to pass this by-law exempting the said property in the said township of McKellar from all school rates or taxes for a period of twenty years from the first day of December, A. D. 1889, all of which aforesaid exemptions are given in lieu of the issuing of debentures for \$120,000 as agreed to be given by said agreement of the 30th day of September, A. D. 1889, by way of bonus to the Canadian Pacific Railway Company from the township of McKellar aforesaid.

Therefore the council of the corporation of the municipality of Neebing, enacts as follows:—

1 That all the real and personal property of the Canadian Pacific Railway Company in the township of McKellar shall, for a period of ten years from the first day of December, A. D. 1899, be exempted from all assessments, rates, levies and taxes which may accrue to the said municipality during the said period.

2. That all the real and personal property of the Canadian Pacific Railway Company in the township of McKellar shall, for a period of twenty years from the first day of December, A. D. 1889, be exempted from all school rates and taxes which
may

may accrue to the said municipality during the said period, saving and excepting that the following property of the said company in the said township of McKellar shall not be included in either of the above exemptions, that is to say: (a) the real property of the company actually used or occupied by any other person or other corporation for the sole use and benefit of such other person or corporation by and with the consent and approval of the company while and during the period it is so actually used and occupied as aforesaid. (b) Any vacant land of the company held for sale for speculative purposes by the company while the same is held for the purposes aforesaid.

(Signed JOHN MCKELLAR,
Reeve.

(Signed) JOHN R. BROWN,
Clerk.
Council Chamber,
Fort William West,
in the township of Neebing.
31st January, 1890.

.....
: SEAL :
.....

SCHEDULE C.

(Section 2.)

MUNICIPALITY OF NEEBING.

By-law No. 99.

A by-law for granting aid by way of bonus to the Port Arthur, Duluth and Western Railway Company.

Whereas the municipality of Neebing was organized by the Act 44 Victoria, chapter 43, and the said organization varied by the Act 49 Victoria, chapter 60, and the powers of the said municipality extended by the Act 52 Victoria, chapter 66; and whereas to promote the general interests of the said municipality it is expedient to grant aid by way of a bonus of fifteen thousand dollars to the Port Arthur, Duluth and Western Railway Company; and whereas it is necessary to raise by way of loan upon the credit of the whole of the said municipality, the sum of fifteen thousand dollars for the purpose of granting such aid by way of bonus, and in order thereto it will be necessary to issue debentures of the said municipality for the said sum of fifteen thousand dollars, payable as herein provided; and whereas it will be requisite to raise annually, during the term of twenty years, by special rate for paying the said debt and interest thereon, the sum of one thousand two hundred and fifty-four dollars; and whereas the

amount of the whole ratable property of the said municipality, according to the last revised assessment roll, amounts to \$1,090,-866; and whereas the existing debenture debt of the said municipality is thirty-eight thousand dollars, whereof three thousand dollars is on debentures for school purposes, and thirty-five thousand dollars is on debentures issued by the municipality of Shuniah, while the municipality of Neebing was part thereof, and of which there is apportioned to the said municipality by the Act 51 Victoria, chapter 57, ten thousand five hundred dollars, making the said debt in reality thirteen thousand five hundred dollars, and no principal or interest is in arrears.

Therefore, the council of the corporation of the municipality of Neebing, enacts as follows:—

1. This by-law shall affect the whole of the said municipality of Neebing.

2. That by way of bonus as aforesaid from the municipality of Neebing, there is granted to the Port Arthur, Duluth and Western Railway Company the sum of fifteen thousand dollars, aid as hereinbefore recited; and that it shall be lawful for the reeve of the said municipality to raise by way of loan upon the security of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole the sum of fifteen thousand dollars, and to cause the same to be paid into the hands of the treasurer of the said municipality, for the purposes and with the objects above recited.

3. That it shall be lawful for the said reeve to cause any number of debentures to be made and issued for such sums of money as may be required either in currency or sterling money not less than one hundred dollars Canadian currency or twenty pounds sterling each, and not exceeding in the whole the sum of fifteen thousand dollars, as in the preceding section mentioned, and the said debentures shall be sealed with the seal of the corporation of the municipality of Neebing, and be signed by the reeve and treasurer thereof.

4. That the said debentures shall be made payable in twenty years from the date of the issue thereof, either in currency or sterling in this Province, Great Britain or elsewhere, and shall have attached to them coupons for the payment of interest.

5. That the said debentures shall bear a rate not exceeding five per cent. per annum from the date thereof, which interest shall be payable half yearly on the first days of July and January in each year, at the place where the said debentures are made payable, in this Province, Great Britain or elsewhere, as aforesaid.

6. That during twenty years the currency on the debentures to be issued under the authority of this by-law, there shall be raised annually for the payment of interest on the said debentures the sum of seven hundred and fifty dollars, and for the payment of the said debentures the sum of five hundred and four dollars, being such sum (in settling which the rate of interest

terest on investments has been estimated at not more than five per cent. per annum capitalized yearly) as will be sufficient with the estimated interest on the investment thereof to discharge the said debt when payable, making in all the sum of one thousand two hundred and fifty four dollars to be raised annually as aforesaid.

7. That such annual sum shall be raised and levied annually during the twenty years next after this by-law shall take effect, by a special rate sufficient therefor on all ratable property in the said municipality.

8. The said sum of fifteen thousand dollars when obtained shall be applied for the purposes above specified and according to the true intent and meaning of this by-law.

9. That the debentures to be issued hereunder shall contain a provision to the following effect: "This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable except by entry by the treasurer or his deputy in the debenture registry book of the said corporation, at his office in the said municipality."

10. That this by-law shall take effect on the first day of November, A.D. 1889.

11. That the votes of the electors (being the ratepayers entitled to vote on this by-law) of the said municipality of Neebing shall be taken by the clerk of the said municipality the returning officer in that behalf, on Tuesday, the 24th day of September, 1889, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, at the several undermentioned places in the said municipality, namely:—For the township or ward of Blake, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Crooks, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Pardee, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Paipoonge, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Neebing, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of McKellar, at Archibald McLaren's storehouse in the township of McKellar, by Mr. John Thomas Bethune.

12. That on Saturday, the 21st day of September, 1889, the reeve of the said municipality or the then head thereof, shall attend at the council chamber in the said township of Neebing, at twelve o'clock noon, to appoint two persons to attend at the final summing up of the votes by the clerk of the said municipality, and a person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

13. That the clerk of the council shall attend at the council chamber in the said township of Neebing, at twelve o'clock noon, on Wednesday, the 25th day of September, 1889, and sum up the number of votes given for and against the by-law.

Dated at the council chamber at Fort William, in the township of Neebing, in the municipality of Neebing, this 18th day of October, 1889.

(Sgd) JOHN McKELLAR,
Reeve.

[SEAL]

(Sgd) JOHN R. BROWN,
Clerk.

CHAPTER 92.

An Act to Incorporate the Town of North Bay.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS that certain portion of the township of Widdifield in the district of Nipissing, known as the village of North Bay, is rapidly increasing in population, and, by reason of its central location and railway facilities, is likely to become an important business centre; and whereas the inhabitants of said village have by their petition represented that the incorporation of the said village as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement of property; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town
incorporated.

1. On and after the passing of this Act, the said Village of North Bay shall be, and is hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of North Bay," and shall enjoy, and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province.

Limits of
town.

2. The said town of North Bay shall comprise and consist of the lands lying within the limits described as follows that is to say:—commencing at a point on the town line, between the townships of Ferris and Widdifield in the said district of Nipissing, where the said line touches on the north shore of lake Nipissing; thence in an easterly direction along said town line to the line between lots numbers 19 and 20 in concession

cession D of the said township of Widdifield; thence in a northerly direction along the said line between said lots to Metcalf street; thence along Metcalf street to Third avenue; thence along Third avenue in a north-westerly direction to Front street; thence in a westerly direction to Douglas street; thence north along Douglas street to the division line between the Douglas survey and the property of one John McLeod; thence west along said division line to the Government Road or side line between lots numbers 20 and 21 in the said township of Widdifield; thence in a projected line across lot number 21 in concession C of the said township of Widdifield, to the side line between lots numbers 21 and 22 in said concession C of said township; thence south along the said side line to James street in the Timmins and Gorman survey of "Gormanville"; thence in a westerly direction to John street; thence in a south-westerly direction to lake Nipissing; thence along the shore of Lake Nipissing to the place of beginning.

3. The said town shall be divided into three wards to be Wards. called respectively the "Metcalf," "Ferguson" and "Murray" wards, which said several wards shall be respectively composed and bounded as follows:—The Metcalf Ward shall comprise all that part of the said town which is bounded as follows: commencing at a point on the town line between the townships of Ferris and Widdifield in the said district of Nipissing, where the said town line touches on the north shore of Lake Nipissing; thence in an easterly direction along the north side of the said town line to the side line between lots numbers 19 and 20 in concession D of the said township of Widdifield; thence north along the west side of said side line between said lots to Metcalf street; thence along the north side of Metcalf street to Third avenue; thence along the north-westerly side of Third avenue to Ferguson street; thence in a westerly direction along the south side of Ferguson street to Sixth street; thence along the south side of Sixth street to Elm street; thence in a south-easterly direction along the east side of Elm street to Fifth street; thence westerly along the south side of Fifth street to Railway street; thence along the east side of Railway street to Regina street; thence in a westerly direction to where the south side of Regina street touches lake Nipissing; thence along the shore of lake Nipissing to the place of beginning. The Ferguson Ward shall comprise all that part of the said town which is bounded as follows: commencing on the north-westerly side of Ferguson street where said street meets Third avenue, thence along the east side of Third avenue to Front street; thence west along the north side of Front street to Douglas street; thence north along the east side of Douglas street to the dividing line between the Douglas survey and the property of John McLeod; thence west along the south side of said line to the Government Road or side line between lots 20 and 21 in concession

cession C of the said township of Widdifield; thence South along the west side of said line to C.P.R. street; thence in a south-easterly direction along the west side of said C.P.R. street to Ferguson street; thence east along the north side of Ferguson street to the place of beginning. The Murray Ward shall comprise all that part of the said town which is bounded as follows: commencing on the north side of Regina street where the said street meets Chippewa creek; thence west along the north side of Regina street to Railway street; thence in a north-westerly direction along the east side of Railway street to Fifth street; thence east along the north-west side of Fifth street to Elm street; thence in a north-westerly direction along the west side of Elm street to Sixth street; thence east along the north west side of Sixth street to C.P.R. street; thence in a north-westerly direction along the north side of C.P.R. street to the Government Road, or side line between lots numbers 20 and 21 in concession D of the said township of Widdifield; thence north along the west side of said side line to a point opposite the dividing line between the Douglas survey and the property of John McLeod; thence west along the south side of the projected line across lot number 21 in concession C of the said township of Widdifield to the side line between lots numbers 21 and 22 in said concession C of said township; thence south along the east side of said side line to James street; thence west along the north side of James street to John street; thence in a southerly direction along the west side of John street to where the said street meets lake Nipissing; thence along the shore of lake Nipissing to Regina street, the place of beginning.

Municipal
laws to apply.

4. The provisions of *The Municipal Act* and any Act amending the same relating to matters consequent upon the formation of new municipal corporations and the other provisions of *The Municipal Act* shall, except as far as herein otherwise provided, apply to the said corporation of the town of North Bay in the same manner as if the said village had been erected into a town under the provisions of the said Acts.

Nomination
for first elec-
tion.

5. On the last Monday of the month of December after the passing of this Act, it shall be lawful for John G. Cormack, or the township clerk for the time being, who is hereby appointed the returning officer, after giving notice thereof by public advertisement in a newspaper published in the said town of North Bay, for at least one week, to hold the nomination for the first election of mayor, reeve and councillors at the court house, in the said town of North Bay, at the hour of noon, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from amongst themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election (if necessary) shall be held on the same day of the week, in the week next following the said nomination,

nomination, and the returning officer or chairman shall at the said nomination publicly announce the place in each ward at which the polling shall take place.

6. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the town is divided, and such returning officer and each deputy-returning officer shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Deputy-returning officers.

7. The clerk of the said township of Widdifield shall upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the first election, and the said returning officers shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Clerk of township of Widdifield to furnish copy of assessment roll.

8. The council of the said town to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, a reeve and nine councillors, three councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the nomination; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Council.

9. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Oaths of office and qualification.

10. At the first election of mayor, reeve and councillors for the said town of North Bay, the qualification of electors and that of officers required to qualify shall be the same as that required in villages by the municipal laws of Ontario.

Qualification at first election.

Expenses of
Act.

11. All expenses incurred in obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town of North Bay, or otherwise, shall be borne by the said town, and paid by it to any person entitled thereto.

By-laws con-
tinued.

12. All by-laws and municipal regulations which are in force in the township of Widdifield shall continue and be in force as if they had been passed by the corporation of the town of North Bay, and shall extend to and have full effect within the limits of the town hereby incorporated, until repealed by the new corporation.

School trus-
tees.

13.—(1) The said returning officer shall at the nomination provided for in section 5 of this Act, receive nominations for two school trustees for each of said wards, and the election for such school trustees shall, except so far as is otherwise provided by this Act, be held and conducted in conformity with the provisions of *The Public Schools Act*.

Rev. Stat., c.
225.

(2) The first meeting of the board of public school trustees shall be held on the Wednesday of the week next following the week of the polling, or if there be no polling, on the Wednesday of the week next following the week of the nomination, at noon, when the board of school trustees for school section number one of the township of Widdifield shall cease to exist, and the trustees of the late school board shall hand over unto the new board of trustees all moneys and properties belonging to the said school.

(3) The boundaries of the school section for the town of North Bay shall be the same as when the said section was originally formed, which comprise lots numbers 17 to 24, both inclusive, in concession A of the said township of Widdifield; lots numbers 17 to 24, both inclusive, in concession B of said township; lots numbers 17 to 24, both inclusive, in concession C of said township; and lots numbers 17 to 21, both inclusive, in concession D of said township.

(4) The length of term for each trustee elected shall be determined by lot at the first meeting of the new board of trustees.

CHAPTER 93.

An Act to Incorporate the Town of North Toronto.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the village of North Toronto is situated on Yonge street, being one of the leading thoroughfares to the city of Toronto, and is increasing rapidly in population; and whereas the present corporation limits do not include parts of the adjacent lands built upon, and other portions laid out in building

building lots and which should form part of the village; and whereas it is desirable that there should be a system of sewerage, water-works, and for lighting the said Yonge street and vicinity; and whereas the petitioners hereto and the council of the said village have by their petition represented that the incorporation of the said village as a town, and the extension of the limits so as to include certain parts of the surrounding portions of the township of York, would be of great benefit to the said village and vicinity, would contribute to its future prosperity and would be desirable for the protection and improvement of property generally; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the said village of North Toronto shall be, and is hereby, constituted a corporation or body politic under the name of "The Corporation of the Town of North Toronto," and shall enjoy and have all the rights, powers and privileges which could have been exercised and enjoyed by the said town of North Toronto if the same had been incorporated as a town under the provisions of *The Municipal Act*, except where otherwise provided by this Act.

Incorporation
of town of
North
Toronto.

Rev. Stat.
c. 184.

2. The said town of North Toronto shall comprise and consist of the present village of North Toronto, and certain portions of the township of York, so that the limits of the said town of North Toronto shall be as follows:—Commencing at the easterly limit of Yonge street at a point intersected by the northerly limit of lot 19 in the third concession from the bay; thence along said limit easterly to the westerly limit of the allowance for road in rear of said lot; thence northerly along said westerly limit to the northern limit of the allowance for road south of lot number 1 in the first concession east of Yonge street, known as Eglington avenue; thence westerly along said northern limit to a point the same distance from the eastern limit of Yonge street that would be given by a point situated 660 feet east of the eastern termination of Roehampton avenue, on plan 639; thence northerly parallel with Yonge street to a line drawn easterly and westerly through the centre of lot number 1 on the east side of Yonge street; thence westerly on said centre line to a point distant 3,300 feet east of Yonge street; thence northerly parallel with Yonge street to the northern limit of lot number 8 in the first concession east of Yonge street; thence westerly on said northerly limit continuing on the northern limit of lot number 8 on the west side of Yonge street to a point 3,300 feet west of Yonge street; thence southerly parallel with Yonge street to the northern limit of lot number 4 on the west side of Yonge street; thence westerly to the centre of Otter street; thence southerly and easterly along the centre of said street to the centre of Glencairn avenue; thence southerly parallel with Yonge street to

Boundaries of
town.

to

to the northern limit of the sub-divisional survey shewn by plan M. 53 on lot number 3 on the west side of Yonge street; thence westerly on said northern limit to the north-westerly angle of lot number 107 on said plan M. 53; thence southerly parallel with Yonge street to the centre for the allowance for road south of lot number one in the first concession west of Yonge street; thence easterly along said centre line to the limit produced northerly between lots numbers twenty-two and twenty-three in the third concession from the Bay; thence southerly along said limit to the south-westerly angle of sub-division lot twelve of original lot twenty-two; thence easterly along the southerly limit of said lot twelve and the production thereof easterly to the easterly limit of Avenue road and to the south-west angle of sub-division lot nine of original lot twenty-two; thence southerly along said easterly limit ten hundred and fifty feet more or less to lands now or formerly belonging to the estate of William Augustus Baldwin; thence easterly along the northerly limit of last mentioned lands to the westerly limit of lot number twenty-one; thence southerly along said westerly limit until it intersects a point in range with the limit between lots eighteen and nineteen on the east side of Yonge street continued; thence easterly to the place of beginning; also including all lots shewn on sub-divisions of original lots crossed by the above described boundaries.

Wards.

3. The said town shall be divided into three wards to be called respectively Davisville Ward, Eglinton Ward East, and Eglinton Ward West, as follows:—All south of the centre of Eglinton avenue on both sides of Yonge street is to be called and known as Davisville Ward; all north of the centre of Eglinton avenue on the east side of the centre of Yonge street is to be called and known as Eglinton Ward East; all north of the centre of Eglinton avenue on the west side of the centre of Yonge street is to be called and known as Eglinton Ward West.

Municipal
laws to apply.

4. Except as otherwise provided by this Act the provisions of the Revised Statutes of Ontario, 1887, and amending Acts respecting municipal institutions with regard to matters consequent upon the formation of new corporations, and the other provisions of the said statutes, applicable to the erection of a village into a town under the said statutes and to the town so erected shall apply to the said town of North Toronto in the same manner as they would have been applicable had the said village of North Toronto been erected into a town under the provisions of the said statutes.

Nomination
for first
election.

5. On the second Monday after the passing of this Act it shall be lawful for George Ward, or the village clerk, for the time being, who is hereby appointed returning officer, to hold the nomination for the first election of mayor, reeve, deputy-reeves,

reeves and councillors, at the Young Men's Christian Association rooms, in the said town of North Toronto, at the hour of noon, of which due notice shall be given in the same manner as the same would be given if the said town of North Toronto had been incorporated under the provisions of *The Municipal Act*, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election if necessary shall be held on the same day of the week next following the said nomination, and the returning officer or chairman shall at the close of the nomination publicly announce the place in each ward at which the polling shall take place.

6. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the town is divided, and such returning officer and each of such deputy returning officers shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal law of Ontario applicable to returning officers and elections in towns so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with reference to municipal elections in towns.

Deputy
returning
officers.

7. The clerk of the said township of York shall upon demand made upon him by the said returning officer at once furnish such returning officer with a certified copy of so much of the revised assessment roll for the said township for the year of our Lord 1889, as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, and the said clerk shall be entitled to payment of reasonable charges for such copies, and the said returning officer shall furnish each of the said deputy returning officers with a true copy of so much of the said roll as relates to the names of the electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Clerk of town-
ship of York
to furnish
copy of assess-
ment roll.

8. The council of the said town to be elected in manner aforesaid shall consist of a mayor who shall be the head thereof, a reeve, deputy-reeves and nine councillors, three councillors being elected from each ward, and they shall be organized as a council on the second Monday after the said election. The council of said village shall hold office and act as such until the organization of said town council, and the said town council shall hold office for the balance of the term for which the said village council has been elected, and subsequent elections shall be held in the same manner as in towns incorporated

Council.

incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils

Oaths of office
and qualifica-
tions.

9. The several persons who shall be elected or appointed under this Act shall take declarations of office and qualifications now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Qualification
at first
election.

10. At the first election of mayor, reeve or deputy-reeve and councillors for the said town of North Toronto, the qualifications of electors and that of officers required to qualify shall be the same as that required in villages by the municipal laws of Ontario.

Expenses of
Act.

11. The expenses incurred in obtaining this Act and of annexing said additional territory to and extending the limits of said village and of furnishing any documents, copies of papers, writing, deeds or any matters whatsoever required by the clerk or other officer of the said village or town of North Toronto or otherwise, shall be borne by the said town and paid by it to any person entitled thereto.

By-laws
continued.

12. All by-laws and municipal regulations which are in force in the village of North Toronto shall continue and be in force as if they had been passed by the corporation of the town of North Toronto, and shall extend to and have full effect within the limits of the town hereby incorporated.

Town to
assume
property and
liabilities of
village.

13. The property, assets, debts, liabilities and obligations of the village of North Toronto shall belong to and be assumed and paid by the corporation of the town of North Toronto.

Officers of
village
continued.

14. All officers of the said village of North Toronto shall continue to act and have power as such, and as officers of and within the town of North Toronto, until the council of the said town shall have organized as and in the names provided by section 8 of this Act.

Existing
council to
continue until
town council
organized.

15. Notwithstanding anything contained in *The Municipal Act* as to the time for the taking effect of the proclamation annexing said additional territory to the said village, the election of the reeve and councillors held on the 30th day of December, 1889, and the sixth day January, 1890, shall be deemed to have been duly and lawfully had, and the said persons so elected shall be the council of the said village of North Toronto, for the year 1890, until the council of the said town shall be organized as provided in section 8 of this Act.

16. Notwithstanding anything contained in *The Municipal Act*, it shall be lawful for the corporation of the said town of North Toronto to contract with any corporation, corporations, person or persons for a supply of water necessary for the wants of the said town of North Toronto, and also to contract with any corporation, corporations, person or persons for the supply of electricity and gas necessary to the lighting of the said town.

Power to contract for light and water supply.

CHAPTER 94.

An Act respecting By-law 168 of the Village of Norwich.

[Assented to 7th April, 1890.]

WHEREAS the corporation of the village of Norwich, Preamble.
by their petition have represented that, on the 3rd day of June, 1889, they did pass a certain by-law numbered 168, after the said by-law had been duly approved of by the ratepayers; that said by-law was passed to raise the sum of \$1,700 by the issue of debentures in order to aid and assist a general pickling and preserving business and erecting a building for said purpose in the village of Norwich; and whereas doubts have arisen as to the validity of the said by-law; and whereas the said corporation have by their said petition prayed for the passing of an Act to confirm the said by-law; and whereas it is expedient to grant the prayer of the said petition;
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law number 168, of the corporation, of the village of Norwich, which said by-law is set out in the schedule to this Act, is hereby confirmed and declared legal and valid from the time of the passing thereof to all intents and purposes and the debentures issued or to be issued under the said by-law are declared valid and binding upon the said corporation, of the village of Norwich, and the ratepayers thereof, notwithstanding anything in any Act to the contrary, but nothing in this section contained shall prejudice or affect the rights of any person or corporation as to the costs of any action or proceeding now pending.

By-law No. 168, confirmed.

Costs of pending proceedings not to be affected.

SCHEDULE.

(Section 1.)

BY-LAW NO. 168.

A by-law of the Municipal Council, of the village of Norwich, in the county of Oxford, to raise the sum of seventeen hundred dollars by way of bonus to aid in carrying on a general pickling and preserving business and erecting a building for the said purpose.

Whereas, by the consolidated *Municipal Act* of 1887, it is enacted that the council of any incorporated village may pass by-laws granting aid by way of bonus or loan to manufacturers within its limits.

And whereas the Donald Produce Company (Limited) has signified its willingness to purchase a site and erect a building thereon, within the limits of the corporation of the village of Norwich for the purpose of carrying on a general pickling and preserving business.

And whereas the Donald Produce Company (Limited) has by agreement entered into with the said municipal council which said agreement is dated the twenty-seventh day of April, 1889, and signed by D. M. Donald for the Donald Produce Company (Limited), and L. F. Bungay, reeve of the corporation of the village of Norwich, and which said agreement is hereinafter referred to, has agreed to purchase the tannery lot in the said village of Norwich and erect thereon a two-story frame building seventy feet long and thirty-six feet wide and equip the said building for the purpose of carrying on the said business of pickling and preserving on or before the first day of October, 1889, and will continue to carry on the said business for the term of ten years providing this corporation grant the said company a bonus of seventeen hundred dollars and exemption from taxation for ten years upon the said property.

And whereas the municipal council, of the village of Norwich, desires to grant aid by way of a bonus to the Donald Produce Company (Limited), to the extent of seventeen hundred dollars for the erection of the said building, purchasing the said lot and carrying on the said business and exempt the said company from taxation as described in the agreement hereinbefore referred to.

And whereas to carry out the said recited object it will be necessary for the said corporation, of the village of Norwich, to raise by way of bonus the sum of seventeen hundred dollars by issuing debentures of the said corporation to the extent of seventeen hundred dollars payable twenty years from the date when this by-law shall take effect, and to provide for the payment of the said debentures and interest thereon by levying a special rate on all the ratable property within this corporation.

And

And whereas the said municipal council, of the village of Norwich, will require to be raised each year during the continuance of the said term of twenty years in addition to all other rates, as follows: for paying the interest on the said debentures the sum of eighty-five dollars and for paying the principal and forming a sinking fund for the payment of the said debentures the sum of fifty-eight dollars commencing with the year one thousand eight hundred and eighty-nine and ending with the year nineteen hundred and eight.

And whereas the annual special rates to be levied and collected each and every year during the continuance of the said term of twenty years by the said municipal council and commencing with the year one thousand eight hundred and eighty-nine and ending with the year one thousand nine hundred and eight in addition to all other rates on all the ratable property within the corporation of the village of Norwich, will be as follows: for paying the interest on the debentures a rate of twenty-six and one hundredth of a mill on the dollar and for paying the principal sum of seventeen hundred dollars and forming a sinking fund for the payment of the said amount a rate of eighteen one-hundredths of a mill on the dollar.

And whereas the amount of the whole ratable property of the corporation of the said village of Norwich, irrespective of any further increase of the same, according to the last revised and equalized assessment roll of the said municipality, being for the year one thousand eight hundred and eighty-eight, is the sum of three hundred and twenty-five thousand eight hundred and sixty-five dollars.

And whereas the present indebtedness of the said corporation of the village of Norwich, is as near as may be for principal the sum of five thousand seven hundred and forty-two dollars and for interest the sum of three thousand three hundred and one dollars, and of which no part or portion for principal or interest is in arrears, and whereas a portion of the said indebtedness is on account of the construction of the Port Dover and Lake Huron Railway and the Norfolk Railway and which indebtedness was contracted by the township of North Norwich at which time the corporation of the village of Norwich formed a part of the said township.

Therefore the municipal council, of the village of Norwich, enacts as follows:—

1. That it shall be lawful for the said municipality of the village of Norwich, to grant aid by way of bonus to the Donald Produce Company (Limited), the sum of seventeen hundred dollars in consideration of the said the Donald Produce Company (Limited), purchasing the tannery lot, erecting a building on the said lot and carrying on the manufacture of pickles and preserves within the said building for the term of ten years and otherwise fulfilling and carrying out the conditions of the agreement made between the Donald Produce Company (Limited), and the corporation of the village of Norwich, which said agreement is dated the twenty-seventh day of April, A.D. 1889, and hereinbefore referred to. 2.

2. That for the purpose aforesaid it shall be lawful for the reeve or other head of the corporation of the village of Norwich to cause to be made three debentures of the said corporation two of such debentures for the sum of six hundred dollars each and one debenture for the sum of five hundred dollars and not to exceed in the whole the sum of seventeen hundred dollars and which debentures shall be payable twenty years after the date of issue which date shall be the first day of October next ensuing, at the office of the treasurer, of the village of Norwich, and shall be sealed with the seal of the corporation and signed by the reeve or other head of the corporation and countersigned by the treasurer and shall define the purpose for which they were issued.

3. And the said debentures shall bear interest at the rate of five per cent. per annum from the date of issue which interest in the form of coupons attached to the debentures shall be payable yearly from the date of issue in each succeeding year at the office of the treasurer of the said village of Norwich, the coupons shall bear date the first day of October next ensuing.

4. That for the purpose of providing for payment of the said debentures to the extent of seventeen hundred dollars and interest thereon the following special rates shall in addition to all other rates be levied and collected on all the ratable property within the said corporation in each and every year during the continuance of the said term of twenty years, commencing with the year 1889, as follows : For paying the principal sum of seventeen hundred dollars and forming a sinking fund for payment of the same a rate of eighteen one-hundredths of a mill on the dollar sufficient to raise the sum of fifty-eight dollars and for paying the interest on the said debentures a rate of twenty-six one-hundredths of a mill on the dollar sufficient to raise the sum of eighty-five dollars in each and every year as aforesaid.

5. That this by-law shall come into force and take effect on and after the second day of July, A.D. 1889.

6. And it shall be lawful for the reeve or other head of the corporation to sell and deliver the said debentures and coupons to such person or persons as may desire to purchase the same and for such sum or sums of money as can be procured for the same and pay over the proceeds of the sale of the said debentures to the said The Donald Produce Company (Limited). If the amount be not sufficient to make up the sum of seventeen hundred dollars a further sum sufficient to make up the said amount shall be taken out of the general funds of the corporation. If the proceeds of the sale should exceed the sum of seventeen hundred dollars, then the excess shall be deposited with the treasurer of the corporation to the credit of the general fund.

7. Provided also that the said sum of seventeen hundred dollars shall not be paid over to the Donald Produce Company (Limited), until the said Company shall have carried out the agreement hereinbefore referred to to the satisfaction of the council of this corporation.

8.

8. And a poll shall be held and the votes of the electors of the said municipality shall be taken on the by-law, on Monday the twenty-seventh day of May, A.D. 1889, commencing at the hour of nine o'clock in the forenoon and ending at five o'clock in the afternoon of the same day and no longer.

9. And the following shall be the deputy-returning officers for taking the votes at the various polling sub-divisions. viz. : For polling sub-division number one, James H. Robinson, at the town hall ; for polling sub-division number two, Charles E. Boyd, at or near Henry J. Adams' harness shop ; for polling sub-division number three, Thomas J. Palmer, at Merrill's office on Tidey street, all in the village of Norwich.

And the twenty-second day of May, at the Clerk's office, is fixed for the appointment by the reeve of persons to attend at the polling places and at the final summing up of the votes by the clerk of the said municipality on behalf of the persons interested in and promoting or opposing the passing of this by-law, at the hour of eight o'clock p.m., and the twenty-eighth day of May, 1889, at the hour of ten o'clock a.m. of that day, at the Clerk's office, is fixed when and where the clerk of the said corporation shall sum up the number of votes given for and against the said by-law.

Read a first and second time and in committee of the whole at the Council Chamber, Norwich, on the twenty-ninth day of April, A.D. 1889.

This by-law having received the assent of the ratepayers thereon, it was read a third time and passed. In council held in Norwich, this third day of June, A.D. 1889, and numbered 168.

L. F. BUNGAY,
Reeve.

WM. WALKER,
Clerk.

{ CORPORATE }
SEAL.

CHAPTER 95.

An Act to consolidate the debt of the Town of Orillia.

[Assented to 7th April, 1890.]

WHEREAS the corporation of the town of Orillia, in the county of Simcoe, have by their petition represented that they have incurred debts and liabilities for the purpose of railroad bonuses, electric light, waterworks, and other public improvements to the extent of \$79,100, for which amount debentures of the said town have from time to time been issued under the authority of various by-laws ; and whereas the payment of the debentures as they fall due has become unduly oppressive to the ratepayers ; and whereas the said corporation, by their petition, have prayed that the said debts and liabilities secured

Preamble.

secured by debentures as aforesaid may be consolidated and they may be authorized to issue debentures for that purpose ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Issue of debentures authorized.

1. It shall be lawful for the said corporation of the town of Orillia, from time to time, to pass by-laws providing for issue of debentures, under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not exceeding \$79,100 in the whole as the said corporation may from time to time direct, and the principal sum, secured by the said debentures, and the interest accruing thereon, may be payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the corporation may deem expedient.

Power to borrow on debentures.

2. The corporation of the said town may, for the purpose in section 4 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not more than thirty years from the date thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of interest thereon, and such interest shall be payable half yearly, on the first day of the months of January and July in each and every year, at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding four and one-half per cent. per annum.

Application of debentures.

4. The said debentures, and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the outstanding debentures of the town of Orillia, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Special rate.

5. It shall be lawful for the said corporation to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any part of them.

6. The said debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Term of debentures.

7. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

Outstanding debentures may be called in.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

By-laws not to be repealed until debt satisfied.

9. It shall not be necessary to obtain the assent of the electors of the said town of Orillia to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors to by-laws not required.

Rev. Stat. c. 184.

10. It shall be the duty of the treasurer, from time to time of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement, shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures and such inspection shall be allowed free of charge.

Treasurer to keep books showing state of debenture account.

11. The debentures issued under this Act may be in the form contained in schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form of Schedule B to this Act.

Form of debentures.

Inconsistent provisions in municipal Acts not to apply.

12. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Amount of debentures.

13. The said debentures shall be for a sum of not less than \$100 each.

Short title.

14. This Act may be cited as "*The Orillia Debenture Act, 1890.*"

SCHEDULE A.

No.

\$

CONSOLIDATED DEBT DEBENTURE.

Province of Ontario, Town of Orillia.

Under and by virtue of *The Orillia Debenture Act, 1890*, and by virtue of by-law No. _____ of the corporation of the town of Orillia, passed under the provisions contained in the said Act, the corporation of the town of Orillia promise to pay to the bearer at _____ in

the sum of _____ day of _____ on the _____ A.D.

and the yearly coupons hereto attached as the same shall severally become due.

Dated at Orillia in the County of Simcoe, this _____ day of _____ A.D. 1890.

A. B., Mayor.

{L.S.}

C. D., Treasurer.

SCHEDULE B.

By-law No. _____ to authorize the issue of debentures
under the authority of *The Orillia Debenture Act, 1890.*

Whereas the said Act authorizes the issue of debentures for
purposes therein mentioned, not exceeding the sum of \$ _____

_____ in the whole, as the corporation of the town of
Orillia may in pursuance of and in conformity with the pro-
visions of the said Act direct.

And whereas, for the purposes mentioned in the said Act, it
is necessary and expedient to issue debentures to the extent
of \$ _____ payable on the _____ day of _____
and on the _____ day of _____
(or as the case may be) with interest

thereon at the rate of _____ per centum per annum, pay-
able half yearly, according to the coupons to the said deben-
tures attached.

And whereas the amount of the whole ratable property of
the said town of Orillia, according to the last revised assessment
roll of the said town, being for the year one thousand eight
hundred and _____ was \$ _____

Therefore the corporation of the town of Orillia enacts as
follows :—

1. That debentures under the said Act, and for the purpose
therein mentioned, to be known as "Consolidated Debt Deben-
tures" to the extent of the sum of \$ _____ are hereby
authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached
for the payment of interest at the rate of _____ per centum
per annum, payable half yearly on the _____ days of _____
and _____ in each year.

This by-law passed in open council this _____ day of _____
in the year of our Lord one thousand eight
hundred and _____

CHAPTER 96.

An Act to enable the Corporation of the City of
Ottawa to issue Debentures to the amount of
\$50,000.

[Assented to 7th April, 1890.]

WHEREAS the municipal council of the corporation of the Preamble
city of Ottawa have by their petition represented
that the said corporation has incurred liabilities to pay for
property acquired by the corporation, and for the construction
of _____

of works of a permanent character, and other expenditures rendered necessary by the recent extension of the city limits, and to a great extent required by the terms of the Act passed in the fiftieth year of the reign of Her Majesty and chaptered fifty-three, extending the limits of the said city and that it is necessary to borrow a sum of money not exceeding in the whole the sum of \$50,000 for the purposes of discharging such liabilities; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of
debentures
authorized.

1. It shall be lawful for the council of the corporation of the city of Ottawa for the purposes aforesaid, to pass a by-law or by-laws to authorize the issue of debentures of the said corporation, for a sum of money not exceeding \$50,000, in such sums of not less than \$100 each, as the said corporation may deem expedient, which said debentures shall be made payable not more than twenty years from the day on which they respectively bear date, and shall bear interest at a rate not exceeding five per centum per annum, payable half-yearly, and such debentures shall be signed by the mayor and the treasurer of the city for the time being, and may be made payable in sterling or currency in Great Britain, in this Province or elsewhere as to the said corporation shall seem expedient

Special rate.

2. For the payment of the debt and interest represented by the said debentures to be issued under the authority of this Act there shall be annually raised, levied and collected by the said corporation during the currency of the said debentures a sum sufficient to discharge the said debt and interest when the same shall be respectively payable, said sum to be raised by an annual special rate upon the amount of the then ratable or assessable property of the said corporation as appearing by the last revised assessment roll thereof.

By-laws not to
require assent
of electors.

3. The by-law or by-laws of the said corporation passed under the authority of this Act shall not require to be submitted to, or to have the assent of the electors of the said city of Ottawa, before the final passing thereof.

Irregularities
in form not to
affect validity
of debentures.

4. No defect in substance or in form of the said debentures, or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any, or either of them, or any part thereof.

CHAPTER 97.

An Act to enable the Corporation of the City of Ottawa to issue Debentures for Waterworks purposes.

[Assented to 7th April, 1890.]

WHEREAS the municipal council of the corporation of the city of Ottawa, have by their petition represented that it is desirable and necessary in the interests of the residents of the city of Ottawa to secure a supply of pure water and for that purpose to extend and improve the waterworks system of the city of Ottawa; and that it is necessary to borrow a sum of money not exceeding in the whole the sum of \$100,000 for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the council of the corporation of the city of Ottawa, for the purpose of extending and improving the waterworks system of the city of Ottawa, to pass a by-law or by-laws to authorize the issue of debentures of the said corporation for a sum of money not exceeding \$100,000, in such sums of not less than \$100 each as the said corporation may deem expedient, which said debentures shall be made payable not more than thirty years from the day on which they respectively bear date, and may be in the form in the schedule to this Act set forth, which said debentures shall bear interest at a rate not exceeding five per centum per annum, payable half yearly; and such debentures shall be signed by the mayor and the treasurer of the said city for the time being, and may be made payable either in sterling or currency in Great Britain, in this Province or elsewhere, as to the said council of the said corporation of the city of Ottawa shall seem expedient. Power to issue debentures for waterworks purposes.

2. For the purpose of providing a sinking fund for the payment of the said debentures and the interest on the same semi-annually, the council of the corporation of the city of Ottawa shall raise annually from the water rates and with the authority conferred upon them in and by the Act of the Legislature of this Province, intituled "An Act for the construction of Waterworks for the City of Ottawa," and the Acts amending the same, a sum of money sufficient to pay the interest semi-annually on the days appointed for the payment thereof, upon the principal money of the said debentures, and shall also raise annually a further sum not less than one and one-half per cent. on the principal of the said debentures sufficient to form a sinking fund to pay off the principal money when the same shall Payment of debentures and interest.

shall become payable, such sum to be in addition to the moneys required to be raised to meet the charges of maintenance, the cost of renewals, the amounts required for the payment of the interest on the waterworks debentures already issued, and for the payment of the sinking fund amounting annually to \$11,700, as required by section 14 of the "Act to consolidate the Debenture Debt of the City of Ottawa," passed in the 41st year of Her Majesty's reign, and chaptered 37, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled "An Act respecting the City of Ottawa," passed in the 50th year of Her Majesty's reign, and chaptered 59, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled "An Act to enable the Corporation of the City of Ottawa to issue Debentures for Waterworks purposes," passed in the 52nd year of Her Majesty's reign, and chaptered 67, and the said corporation shall pay the principal money and interest on the said debentures herein authorized to be issued, as the same shall from time to time fall due.

Special rate.

3. If from any cause the moneys annually accruing from the water rates, after deducting the present charges thereon, shall be less than the sum of money from time to time necessary for the payment of the interest and of the sinking fund to pay off the debentures herein authorized to be issued, it shall be the duty of the corporation of the city of Ottawa and they are hereby authorized and required when and as often as the same may occur, forthwith to settle, impose, levy and collect an equal special rate upon all the assessable property of the city of Ottawa, in the manner and with the like powers as shall exist in respect to municipal assessment rates and taxes, and out of the proceeds thereof to pay and discharge all sums of money for interest or principal which shall or may be due or accruing due to meet the interest and sinking fund to pay the debentures herein authorized to be issued.

Assent of electors not required.

4. The by-law or by-laws of the said corporation passed under the authority of this Act, shall not require to be submitted or to have the assent of the electors of the said city before the final passing thereof, nor shall it be necessary that any of the provisions of *The Municipal Act* relating to by-laws for creating debts be complied with.

Rev. Stat., c. 184.

Irregularities in form not to invalidate debentures.

5. No defect in substance or in the form of the said debentures or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

SCHEDULE

SCHEDULE.

(Section 1.)

WATERWORKS DEBENTURES.

No. \$

Province of Ontario, }
 City of Ottawa. }

Under and by virtue of the Act passed in the fifty-third year of the reign of Her Majesty Queen Victoria, and chaptered , and by virtue of by-law No. , of the corporation of the city of Ottawa, passed under the powers contained in the said Act.

The corporation of the city of Ottawa, promise to pay the bearer at _____ in

the sum of _____
 on the _____ day of _____ A.D. ,
 and the half yearly coupons hereto attached as the same shall severally become due.

Mayor.

Treasurer.

CHAPTER 98.

An Act respecting the Sinking Fund of the Town
 of Palmerston.

[Assented to 7th April, 1890.]

WHEREAS the corporation of the town of Palmerston Preamble.
 have by their petition shewn, that the said corporation in the forty-seventh year of Her Majesty's reign obtained the passing of an Act of the Legislative Assembly of the Province of Ontario, chaptered 55, intituled, "An Act to consolidate the debt of the Town of Palmerston," whereby the debenture and other debts of the said corporation were consolidated and the said corporation authorized and empowered to pay off such debenture debt by annual payments in pursuance of the provisions of the said Act; and whereas it appears by the said Act and the said petition that the said Act was passed upon the understanding that none of the sinking fund required to be levied by the said corporation for the purpose of redeeming any portion of such debenture debt had been levied in any year theretofore, and that the levy of the special

cial rates therefor for the year 1883 should be unnecessary; and whereas it appears by said petition, that while said Act was pending a levy of such special rates for said year 1883 was then in process of collection, but that such fact was overlooked in the said Act whereby doubts have arisen as to the proper appropriation thereof and as to the legality of a certain payment made out of said fund, and that the balance of said fund remains unappropriated and that no sinking fund has since said Act been required to be collected by said corporation for any purpose; and whereas the said corporation have by their petition shewn that it is just and desirable and in the interest of the said corporation that said sum should be declared to be released from its application to the purposes of a sinking fund and a portion thereof be constituted a special trust fund for the purposes hereinafter authorized, and have prayed that an Act may be passed so disposing of the same and confirming and legalising said payments thereout; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Application
of sinking
fund.

1. All moneys heretofore collected by the corporation of the town of Palmerston for the purposes of a sinking fund to be applied in redemption of debentures consolidated by the operation of chapter 55 of the Statutes of Ontario, passed in the 47th year of Her Majesty's reign, and intituled, "An Act to consolidate the Debt of the Town of Palmerston," and levied by the said corporation in the said year 1883 or in any other year, are hereby declared to be freed, released and discharged from liability to be used for the purposes only for which the same were so levied, and are declared to have been by virtue of the said Act legally applicable for all other purposes of said corporation.

Balance of
sinking fund
to constitute
special trust
fund.

2. The sum of \$2,100 portion of said moneys so collected is hereby constituted and declared a special fund of the said corporation to be held, treated, used and appropriated by them for the purposes of school erection or fire protection, or both, for use by the said corporation in such manner and in such proportions as may be by them hereafter, from time to time, by their by-law or by-laws in that behalf, designated and directed and not otherwise, except as hereinafter mentioned.

Power to
apply special
fund to gene-
ral purposes.

3. Until such special fund is entirely so appropriated and expended the said corporation may, from time to time in any year previous to the 15th day of December by their by-law or by-laws in that behalf, direct their treasurer to draw out and use any portion thereof not then expended, in such sums as they may thereby direct, for the general purposes of the said corporation, but subject as hereinafter provided.

4. The municipal council for the time being of the said corporation shall, on the 15th day of December in each year, cause to be repaid and deposited to the credit of the said special fund all moneys so drawn out during the then current year or in any previous year, and until the same are entirely so repaid they shall be considered as a loan for current expenses to the said corporation in so far as entitling the said corporation to provide for the repayment of the same as such.

Moneys used for general purposes to be repaid to special fund.

5. It shall be the duty of the said treasurer with or without special authority from the municipal council of said corporation, upon the said date and thereafter until the amount so drawn out is fully repaid, to transfer and restore to the credit of the said special fund a sufficient portion of the general funds of the said corporation as the same come into his hands, to fully repay the said amount so drawn out.

Treasurer to return amount used for general purposes to special fund.

6. In case of default in the repayment of any moneys so drawn out of said fund in the time and manner hereinbefore provided, the said corporation shall be deemed to have unlawfully misappropriated the said moneys from said special fund upon said date, and any ratepayer of the said corporation may take such proceedings at law as may be necessary to compel the repayment forthwith of said moneys into the credit of the said special fund by the said corporation as upon a wrongful misappropriation of such moneys by them to unauthorized purposes of the corporation.

Liability for sums not repaid to special fund.

7. The said corporation shall have power to pass by-laws for the purposes hereinbefore authorized, and no such by-law shall require the assent of the ratepayers of said corporation or any of the formalities or requisites specially applicable by *The Municipal Act* in respect of by-laws requiring such assent.

Power to pass by-laws for purposes of Act.

Rev. Stat. c. 184.

CHAPTER 99.

An Act to confirm certain By-Laws of the Town of Peterborough and for other purposes.

[Assented to 7th April, 1890.]

WHEREAS by the Act of the Parliament of Canada, passed in the 24th year of Her Majesty's reign, chaptered 61, it was amongst other things enacted, that it should not be lawful for the corporation of the town of Peterborough to incur any further liability than as therein set forth except for current expenses to be paid out of the annual assessment without the sanction of the legislature; and whereas the corporation

Preamble.

poration of the town of Peterborough have by a petition prayed that the by-laws of the said corporation hereinafter referred to which have been duly approved by the electors of the municipality may be confirmed and that notwithstanding the said Act of the late Province of Canada, 24 Victoria, chapter 61, the said corporation may be authorised to incur liabilities to the extent hereinafter mentioned, and that provision may be made as to the term of debentures of the said corporation and as to the sinking fund of such debentures, and as to the re-issue of debentures held as an investment of such sinking fund, and that a doubt as to the construction of the Act passed by the Legislative Assembly, of the Province of Ontario, in the 35th year of Her Majesty's reign, chapter 71 may be removed, and that the said Act may be amended as herein set out; and whereas it is desirable to make special provision for the investment of the endowment of the Nicholls Hospital Trust; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws numbers 551, 594 and 603, of the town of Peterborough confirmed.

1. The by-law of the corporation of the town of Peterborough number 551, entitled "A by-law to provide for the erection of a public market in the town of Peterborough" and the by-law of the said corporation, number 594, entitled "A by-law to provide for the issue of debentures to the extent of \$18,000 for public school purposes in the town of Peterborough," and the by-law of the said corporation, number 603, entitled "A by-law to aid, by way of bonus, the Brooks Manufacturing Company," are hereby confirmed and are declared to be and to have been from the passing thereof respectively legal, valid, and binding, and the said corporation is hereby authorised to incur the liabilities and to borrow the money and issue the debentures in the said by-laws respectively set forth.

Issue of debentures authorised.

2. Notwithstanding anything contained in the said Act of the late Province of Canada, passed in the 24th year of Her Majesty's reign, chaptered 61, or in any other statute affecting the said town of Peterborough, it shall be lawful for the corporation of the town of Peterborough by by-law or by-laws hereafter to be passed with the assent of the electors in the manner provided by *The Municipal Act*, to incur liabilities for purposes within the powers of the said corporation and to issue debentures for the purpose of raising money to the extent in the whole not exceeding ten per cent. of the assessed value of the taxable property of the said corporation at the time of the passing of such by-law or by-laws respectively, including the liabilities of the said corporation already incurred or authorized

Rev. Stat., c. 184.

authorised by any statute heretofore passed and affecting the said town, and which shall be existing liabilities at the time of the passing of such by-law or by-laws respectively.

3. In and by any by-law hereafter to be passed by the corporation under the authority of this or any other Act heretofore passed specially relating to the town of Peterborough the council may provide that any debentures to be issued by said corporation may be made payable at any time not exceeding thirty years from the date of issue thereof; and that the sinking fund for the repayment of the principal money of such debentures shall in the case of any such thirty years debentures be such sum, not less than one per cent. per annum of the amount of such debentures, as the council may fix and determine.

Term of debentures.

4. After the sale of any debentures of the said corporation under any by-law hereafter to be passed, under the authority of this or any other Act heretofore passed specially relating to the town of Peterboro', no irregularity in the issuing of any such debentures or in the passing of such by-law, shall be held to invalidate or affect such debentures in the hands of a purchaser or holder for value.

Irregularities in form not to invalidate debentures.

5. It shall and may be lawful for the said corporation at any time after the passing of this Act, to consolidate and re-issue for a term not exceeding the term authorised by this Act, the debentures of the said corporation numbered from 102 to 213 respectively for the aggregate amount of \$13,000, maturing in May, 1898; the debentures numbered from 235 to 239 inclusive for the aggregate amount of \$5,000, maturing on July 1st, 1890; the debentures numbered from 255 to 259 inclusive for the aggregate amount of \$4,000, maturing on July 1st, 1894; the debentures numbered from 260 to 264 inclusive for the aggregate amount of \$5,000, maturing on January 1st, 1896; the debentures numbered from 265 to 278 inclusive for the aggregate amount of \$14,000, maturing on January 1st, 1893; and the debentures numbered from 279 to 281 inclusive for the aggregate amount of \$3,200, and the debentures numbered 282 and 283 and from 314 to 318 inclusive for the aggregate amount of \$6,800, maturing on January 1st, 1893, making in all the sum of \$51,000, and which several debentures are held by the commissioners of the Peterborough Town Trust as an investment of the debenture sinking fund of the said corporation and the by-law or by-laws authorising the same, may be passed by the council of said corporation without submitting the same to the electors.

Consolidation and re-issue of certain debentures.

6. It shall be lawful for the said corporation by by-law to be passed under the Act passed in the 35th year of Her Majesty's reign, chaptered 11, to aid the promotion of manufactures in the said last mentioned Act referred to, by assuming

Aid to manufactures.

assuming and paying the rent of any building or buildings to be used for such purpose, or by erecting any building or buildings or acquiring any lands or buildings and granting the same or the use thereof, to any person or persons, or body corporate, for manufacturing purposes.

Intention of 35
V., c. 71, s. 3,
declared.

7. It is hereby declared to be, and to have been from the passing thereof, the true meaning and intent of section 3 of the said Act, passed in the 35th year of Her Majesty's reign, chaptered 71, that the by-law or by-laws therein referred to, shall have been submitted and approved by the majority of the qualified electors of the town of Peterborough, voting thereon in the same manner as with money by-laws requiring the assent of the electors.

Power to
borrow money
from Nicholls
Hospital
Trust for cer-
tain purposes.

8. It shall and may be lawful for the corporation of the town of Peterborough, by by-law or by-laws to be passed for that purpose by the council of the said town without the assent of the electors, to borrow from the Nicholls Hospital Trust, the endowment moneys of the said trust, or part thereof and therewith to take up debentures of the said corporation issued for public school purposes or for other purposes not chargeable upon the supporters of separate schools in the said town, and such debentures may be issued and reissued from time to time at any rate not exceeding five per cent. and for any period not exceeding thirty years at any one time, notwithstanding a different rate of interest or a different period for redemption may have been provided by the by-law or by-laws originally authorizing the issue of such debentures.

CHAPTER 100.

An Act to legalize the Municipal Election of the Village of Port Rowan.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the village and neighbourhood of Port Rowan were on the fourteenth day of December, one thousand eight hundred and eighty-nine, by by-law erected into an incorporated village, apart from the township of South Walsingham, in which the same were situate; and whereas, by inadvertence, no meeting of the electors took place for the nomination of candidates for the offices of reeve and councillors of said village on the last Monday in December, one thousand eight hundred and eighty-nine, as provided in sections 89 and 109 of *The Municipal Act*; and whereas at a mass meeting of the electors of the said village, called
by

by public advertisement, held on Monday, the sixth day of January, one thousand eight hundred and ninety, at said village, Cornelius S. Killmaster was by acclamation elected reeve of said village, and James A. Dedrick, Jonathan Becker, Isaac Saxton and Peter F. Fick, were, by acclamation, elected councillors of said village; and whereas the corporation of the village have, by their petition, prayed that an Act may be passed to legalize the said election; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That notwithstanding all irregularities in the election of the said Cornelius S. Killmaster and the said James A. Dedrick, Jonathan Becker, Isaac Sexton and Peter F. Fick, to the said offices of reeve and councillors respectively of said village of Port Rowan, for the year one thousand eight hundred and ninety, the said elections are hereby legalized and confirmed, and the said Cornelius S. Killmaster and the said James A. Dedrick, Jonathan Becker, Isaac Sexton and Peter F. Fick, being otherwise properly qualified, are to take and hold their said respective offices in the same way as if the said elections had been regularly and legally conducted.

Municipal
election of
Port Rowan
for 1890 con-
firmed.

CHAPTER 101.

An Act respecting By-Law No. 77, of the Township of Rat Portage.

[Assented to 7th April, 1890.]

WHEREAS the corporation of the municipality of the township of Rat Portage have petitioned, praying that an Act may be passed to confirm and legalize a by-law of the said corporation passed on the nineteenth day of October, A.D., 1889, entitled "By-law number 77, to authorize an assessment for township, school and other purposes for the municipality of the township of Rat Portage for the current municipal year one thousand eight hundred and eighty-nine," a copy of which said by-law is contained in the schedule to this Act; and whereas the said corporation of the said municipality of the township of Rat Portage, by their petition have represented that it is necessary and expedient, and of advantage to the said municipality, as well as just and right that the said by-law, number 77, should be ratified, legalised, and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Preamble

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 77
confirmed.

1. The said by-law number 77 of the corporation of the municipality of the township of Rat Portage, entitled as in the preamble to this Act recited, and which said by-law is set out in the schedule to this Act is hereby confirmed and declared to be legal and valid to all intents and purposes, and the said corporation of the township of Rat Portage are hereby authorized and empowered to collect and enforce the payment of the taxes under said by-law, number 77, for the purposes therein mentioned, and the said by-law shall be and the same is hereby declared to be valid, legal, and binding upon the said corporation of the municipality of the township of Rat Portage and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

SCHEDULE.

BY-LAW No. 77.

A by-law to authorise an assessment for township, school and other purposes for the municipality of the township of Rat Portage, for the current municipal year of our Lord one thousand eight hundred and eighty-nine.

Whereas it is necessary and expedient to raise the sum of four thousand eight hundred and eighty seven dollars for the municipality of the township of Rat Portage for the current year of our Lord one thousand eight hundred and eighty nine, by a tax on all the real and personal property appearing on the assessment roll of the municipality of the township of Rat Portage for the year of our Lord one thousand eight hundred and eighty nine.

And whereas the whole amount of the ratable property of the municipality of the township of Rat Portage, as shown by the last revised assessment roll, is three hundred and twenty three thousand seven hundred and twenty five dollars (\$323,725.)

And whereas by 50 Victoria, chapter 62, of the Legislature of the Province of Ontario, entitled *An Act relating to the municipality of Rat Portage*.

And whereas by section one of said Act, it is provided that the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, and Messrs. F. T. Bulmer and Company, are exempt to the extent of one-half of the amount of taxes assessed upon and leviable against the said property, but exclusive of the taxes for the school purposes.

And

And whereas by section one of said Act it is also provided that the said Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, and Messrs. F. T. Bulmer and Company should pay one-half of the debenture debt existing at the time of passing the said Act, and which one-half of the debenture debt should be assessed upon and leviable against their said property.

And whereas by by-law number 51 of the said municipality entitled "A by-law to provide for the remission of one-half of the municipal rates of the Rainy Lake Lumber Mills."

And whereas by section one of said by-law it was provided that the said Rainy Lake Lumber Mills be allowed one-half of the amount of the taxes assessed upon and leviable against the mill building and machinery and plant belonging to the said Rainy Lumber Mills for nine years, from the year of our Lord one thousand eight hundred and eighty seven, on the express condition that the said Rainy Lake Lumber Mills will operate the said mills for four months during each year under said by-law.

And whereas by said by-law it was provided that the said Rainy Lake Lumber Mills should pay all rates upon debentures issued and which may be issued by the said municipality, and shall pay all taxes for school purposes.

And whereas the sum of thirty five thousand seven hundred and fifty dollars (\$35,750) require to be deducted from the last revised assessment roll of three hundred and twenty three thousand seven hundred and twenty five dollars, leaving the sum of two hundred and eighty seven thousand nine hundred and twenty five dollars to be assessed for municipal purposes.

And whereas upon the said sum of two hundred and eighty seven thousand nine hundred and twenty five dollars, it will require a tax of sixteen and nine-tenth mills on the dollar on the amount of said ratable property, to raise the amount so required for the purposes of the said municipality of the township of Rat Portage to meet the ordinary current municipal expenses for the year of our Lord one thousand eight hundred and eighty-nine.

And whereas the public school board section number 1, of the said municipality of the said township of Rat Portage, require the sum of two thousand three hundred and ninety dollars (\$2,390) for public school purposes for the year of our Lord one thousand eight hundred and eighty-nine.

And whereas the amount rated on the assessment roll of the municipality of the township of Rat Portage for public school support is two hundred and seventy eight thousand one hundred and seventy five dollars (\$278,175).

And whereas to raise the sum of two thousand three hundred and ninety dollars, the rate on the portion of the said ratable property of the municipality of the township of Rat Portage for public school purposes will require eight and six-tenth mills on the dollar.

And whereas the separate school board, section number 1 of the municipality of the township of Rat Portage, require the sum of five hundred and fifty dollars for separate school purposes, for the year of our Lord one thousand eight hundred and eighty-nine.

And whereas the amount rated on the assessment roll of the municipality of the said township of Rat Portage for separate school support is forty-five thousand five hundred and fifty dollars (\$45,550).

And whereas to raise the said sum of five hundred and fifty dollars, the rate on the said sum of forty-five thousand five hundred and fifty dollars will require twelve and two-tenth mills on the dollar.

And whereas by by-law number 25 of the said municipality, entitled, a by-law to raise three thousand five hundred dollars by debentures for local improvements and for the construction of water tanks.

And whereas by said by-law it is provided that the sum of four hundred and ninety six dollars shall be raised, levied, and assessable against all the real and personal property of the said municipality for a period of ten years, to repay the said sum of three thousand five hundred dollars and interest thereon.

And whereas said by-law, number 25, duly received the assent of the duly qualified ratepayers, as required by law, on the twenty-seventh, and passed and adopted by the municipal council of the municipality of the township of Rat Portage, on the twenty-ninth, both days of June, in the year of our Lord one thousand eight hundred and eighty-five.

And whereas the sum of twenty-three thousand two hundred and fifty dollars require to be deducted from the last revised assessment roll of three hundred and twenty-three thousand seven hundred and twenty-five dollars, being one-half of the assessment of the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, and Messrs. F. T. Bulmer and Company, leaving the sum of three hundred thousand four hundred and seventy-five dollars to be assessed for said sum of four hundred and ninety-six dollars, under said by-law number 25.

And whereas upon the said sum of three hundred thousand four hundred and seventy-five dollars, it will require a tax of one and seventh-tenth mills on the dollar on the amount of said ratable property to raise the amount so required under and in terms of said by-law number 25.

And whereas by by-law number 41, of the said municipality, entitled a by-law to provide a steam fire engine for the township of Rat Portage, and to borrow on the credit of the municipality the sum of four thousand eight hundred dollars for the purchase of the same.

And whereas by said by-law number 41, it is provided that the sum of four hundred and ninety-four dollars and fifty cents shall be raised and levied against all the real and personal

personal property of the said municipality for a period of fifteen years to repay the said sum of four thousand eight hundred dollars and interest thereon.

And whereas said by-law number 41, duly received the assent of the duly qualified ratepayers, as required by law, on the fourteenth, and passed and adopted by the municipal council of the municipality of the township of Rat Portage, on the nineteenth, both days of September, in the year of our Lord one thousand eight hundred and eighty-seven.

And whereas the sum of sixty thousand eight hundred dollars require to be deducted from the last revised assessment roll of three hundred and twenty-three thousand seven hundred and twenty-five dollars, being the amount of the assessment of the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, and Messrs. F. T. Bulmer and Company, and Norman ratepayers, being the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars to be assessed for said sum of four hundred and ninety-four dollars and forty cents under said by-law number 41.

And whereas upon the said sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, it will require a tax of one and nine-tenth mills on the dollar on the amount of said ratable property to raise the amount so required, under and in terms of by-law number 41.

And whereas by by-law number 45, of the said municipality entitled a by-law to provide for the erection and building of a fire hall and council chamber for the municipality of the township of Rat Portage, and to borrow on the credit of the municipality, the sum of three thousand dollars for the erection and building of the same.

And whereas by said by-law number 45, it is provided that the sum of three hundred and nine dollars and ten cents shall be raised and levied against the real and personal property of the said municipality for a period of fifteen years to repay the said sum of three thousand dollars and interest thereon.

And whereas said by-law number 45, duly received the assent of the qualified ratepayers, as required by law and also passed and adopted by the municipal council of the municipality of the township of Rat Portage on the fifth day of October, in the year of our Lord one thousand eight hundred and eighty-seven.

And whereas the sum of sixty thousand eight hundred dollars require to be deducted from the last revised assessment roll of three hundred and twenty-three thousand seven hundred and twenty-five dollars, being the amount of the assessment of the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, Messrs. F. T. Bulmer and Company, and Norman ratepayers, leaving the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, to be assessed for said sum of three hundred and nine dollars and ten cents under said by-law number 45.

And

And whereas upon the said sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, it will require a tax of one and two-tenth mills on the dollar on the amount of said ratable property, to raise the amount so required, under and in terms of by-law number 45.

And whereas by by-law number 66 of the said municipality, entitled a by-law to grant a bonus of ten thousand dollars to establish reduction works for reducing gold and silver ore, and for other purposes, east of the Winnipeg river in the municipality of the township of Rat Portage, and to borrow on the credit of the said municipality the said sum of ten thousand dollars therefor.

And whereas by said by-law number 66, it is provided that the sum of eight hundred and seventy-two dollars shall be raised and levied against the real and personal property of the said municipality for a period of twenty years to repay the said sum of ten thousand dollars and interest thereon.

And whereas said by-law number 66, duly received the assent of the qualified ratepayers, as required by law, on the tenth day of January, and also passed and adopted by the municipal council of the municipality of the township of Rat Portage on the nineteenth day of February, both in the year of our Lord one thousand eight hundred and eighty-nine.

And whereas the said sum of sixty thousand eight hundred dollars required to be deducted from the last revised assessment roll of three hundred and twenty-three thousand seven hundred and twenty-five dollars, being the amount of the assessment of the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, Messrs. F. T. Bulmer and Company, and Norman ratepayers, leaving the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars to be assessed for said sum of eight hundred and seventy-two dollars under said by-law number 66.

And whereas upon the said sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, it will require a tax of three and three-tenth mills on the dollar on the amount of said ratable property to raise the amount so required, under and in terms of by-law number 66.

And whereas by by-law number 67, of the said municipality, entitled a by-law to grant a bonus of fifteen thousand dollars to Messrs. Ross, Hall, and Brown, to build a saw mill and planing mill east of the Winnipeg river, within the municipality of the township of Rat Portage, and to borrow on the credit of the said municipality the said sum of fifteen thousand dollars therefor.

And whereas by said by-law number 67, it is provided that the sum of thirteen hundred and eight dollars shall be raised and levied against the real and personal property of the said municipality for a period of twenty years to repay the said sum of fifteen thousand dollars with interest thereon.

And whereas said by-law number 67, duly received the assent of the qualified ratepayers, as required by law, on the
tenth

tenth day of January and also passed and adopted by the municipal council of the municipality of the township of Rat Portage, on the nineteenth day of February, in the year of our Lord one thousand eight hundred and eighty-nine.

And whereas the said sum of sixty thousand eight hundred dollars require to be deducted from the last revised assessment roll of three hundred and twenty-three thousand seven hundred and twenty-five dollars being the amount of the assessment of the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, Messrs. F. T. Bulmer and Company, and Norman ratepayers, leaving the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars to be raised for said sum of thirteen hundred eight dollars, under said by-law number 67.

And whereas upon the said sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars it will require a tax of five mills on the dollar on the amount of said ratable property, to raise the amount so required under and in terms of by-law number 67.

And whereas by by-law number 74 of the said municipality, entitled a by-law to raise the sum of five thousand dollars on the credit of the municipality of the township of Rat Portage, to purchase a new school site and to build a school house for the use of the municipality of the township of Rat Portage, and to issue debentures therefor.

And whereas by said by-law number 74, it is provided that the sum of four hundred and thirty-six dollars shall be raised and levied against all the real and personal property of the public school supporters of the said municipality for a period of twenty years, to repay the said sum of five thousand dollars and interest thereon.

And whereas the amount of the whole ratable property of the said municipality, according to the last revised assessment roll, is three hundred and twenty-three thousand seven hundred and twenty-five dollars, of which amount about two hundred and seventy-eight thousand one hundred and seventy-five dollars require to be assessed for public school purposes.

And whereas upon the said sum of two hundred and seventy-eight thousand one hundred and seventy-five dollars, it will require a tax of one and six-tenth mills on the dollar on the amount of said ratable property, to raise the sum so required under and in terms of by-law number 74.

Therefore the municipal council of the corporation of the municipality of the township of Rat Portage, in council assembled, enact as follows:—

1. That there shall be raised, levied and collected a tax of sixteen and nine-tenth mills on the dollar upon the assessed value of the real and personal property in the municipality of the township of Rat Portage, according to the last revised assessment roll of the year of our Lord, one thousand eight hundred and eighty-nine, for the uses and purposes of the said municipality during the current municipal year of our Lord one thousand eight hundred and eighty-nine. 2.

2. That there shall also be raised, levied and collected a tax of eight and six-tenth mills on the dollar upon the sum of two hundred and seventy-eight thousand one hundred and seventy-five dollars assessed for public school purposes in the municipality of the township of Rat Portage, according to the last revised assessment roll, for the uses and purposes of the said public schools during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

3. That there shall also be raised, levied and collected a tax of twelve and two-tenth mills on the dollar upon the sum of forty-five thousand five hundred and fifty dollars, assessed for separate school purposes, according to the last revised assessment roll, for the uses and purposes of the said separate schools during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

4. That there shall also be raised, levied and collected a tax of one and seven-tenth mills on the dollar on the sum of three hundred thousand four hundred and seventy-five dollars assessed under and in terms of by-law number 25 of the said municipality of the township of Rat Portage, for the uses and purposes of said by-law number 25, during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

5. That there shall also be raised, levied and collected a tax of one and nine-tenth mills on the dollar on the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, assessed under and in terms of by-law number 41 of the said municipality of the township of Rat Portage, for the uses and purposes of said by-law number 41, during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

6. That there shall also be raised, levied and collected a tax of one and two-tenth mills on the dollar on the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, assessed under and in terms of by-law number 45 of the said municipality of the township of Rat Portage, for the uses and purposes of said by-law number 45, during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

7. That there shall also be raised, levied and collected a tax of three and three-tenth mills on the dollar on the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, assessed under and in terms of by-law number 66 of the municipality of the township of Rat Portage, for the uses and purposes of said by-law number 66, during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

8. That there shall also be raised, levied and collected a tax of five mills on the dollar on the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, assessed under and in terms of by-law number 67 of the municipality of the township of Rat Portage, for the uses and purposes

purposes of said by-law number 67, during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

9. That there shall also be raised, levied and collected a tax of one and six-tenth mills on the dollar on the sum of two hundred and seventy-eight thousand one hundred and seventy-five dollars, assessed under and in terms of by-law number 74 of the municipality of the township of Rat Portage, for the uses and purposes of said by-law number 74, against the real and personal property of the public school supporters in the municipality of the township of Rat Portage during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

10. That this by-law shall become law and be in force on the final passing hereof.

Done and passed in open council, this nineteenth day of October, A.D. 1889.

(Signed) WM. YOUNG,
Reeve.

(Signed) JOHN KERR BRYDEN,
Township Clerk.

{ CORPORATE
{ SEAL. }

CHAPTER 102.

An Act to enable the corporation of the City of St. Thomas to issue Debentures for Waterworks.

[Assented to 7th April, 1890.]

WHEREAS the corporation of the city of St. Thomas have Preamble.
by their petition represented that they have constructed waterworks through portions of the said city, and entered into contracts for running and maintaining the same, but that owing to the extension of the city limits and the increase of population the same are inadequate for the present requirements of the city and that the estimated cost of extending and perfecting such system of waterworks is about \$125,000; and further, that it is desirable and would be beneficial and advantageous for the said city to extend and perfect the system of waterworks so partially carried out, and to borrow the said sum of \$125,000 for that purpose; and whereas it is further represented that the said proposed waterworks are of a permanent character and will endure for a period long exceeding the time of the maturing of the debentures hereby authorized to be issued, and that the said corporation can borrow the money and repay the same to much greater advantage if the said

said debentures extend over a period of forty years; and that it is desirable that the cost of constructing, extending and improving the waterworks in the said city be raised by borrowing money for that purpose upon the credit of the said corporation secured by the debentures herein authorized; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of
debentures
authorized.

1. The council of the said corporation of the city of St. Thomas may pass a by-law providing for the issue of debentures under its corporate seal signed by the mayor and countersigned by the treasurer for the time being for such sums not less than \$100 each and not exceeding in the whole \$125,000 as the council of the said corporation may by such by-law direct and the principal sum secured by such debentures and the interest accruing due thereon may be made payable either in this Province or in Great Britain or elsewhere.

Power to raise
money on
debentures.

2. The council of the corporation of the said city may, for the purpose aforesaid, raise money by the sale or by hypothecation of the said debentures from time to time as they may deem expedient.

Payment of
debentures
and interest.

3. The principal sum to be secured by the debentures to be issued under this Act and the interest accruing thereon at such rate not exceeding four and one-half per centum per annum as the said council shall determine shall be payable yearly according to the coupons attached thereto, and a portion of the said debentures issued under such by-law shall be payable in each year for a term not exceeding forty years from the first day of July, 1890, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Application of
proceeds of
debentures.

4. All moneys arising from the sale or hypothecation of the said debentures shall be applied by the said corporation towards the expense to be incurred in the construction, extension, enlargement and alteration of the said system of waterworks and for no other purpose, and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.

Special rate.

5. For payment of the principal money of the said debentures and the interest thereon the council shall impose a special rate per annum over and above and in addition to all other rates to be levied in each year sufficient to pay the interest on said debentures and the principal thereof.

6. It shall be lawful for the said corporation to enter into any contract or contracts with any person or persons or body corporate for the construction and extension of such waterworks for the said city as the council of the said corporation shall deem advisable, and for any extension, enlarging or altering of such waterworks as may be deemed advisable by the said council and on such terms as the said council shall think fit, and to do, perform and complete any and all such works themselves, and to acquire all lands in any way necessary for any of the said purposes in accordance with the provisions of *The Municipal Waterworks Act*.

Construction
and extension
of waterworks.

Rev. Stat.
c. 192.

7. No irregularity in the form either of the said debentures or of any by-law authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them, but the assent of the electors of the said city of St. Thomas shall be obtained to the passing of such by-law in the manner and subject to the provisions of *The Municipal Act* so far as the same relates to waterworks before the said by-law shall have any validity or force.

Irregularities
in form not to
invalidate de-
bentures.

Assent of
electors
required.

Rev. Stat.
c. 184.

8. The said debentures may be in the form "A" in the Schedule to this Act, or as near thereto as the corporation may find convenient according to the places where and the money in which the same are made payable.

Form of
debentures.

SCHEDULE.

(Section 8.)

FORM "A."

No.

§

PROVINCE OF ONTARIO,
CITY OF ST. THOMAS.

Waterworks Debenture.

Under and by virtue of the Act passed in the fifty-second year of the reign of Her Majesty Queen Victoria and chaptered , and by virtue of By-law No. of the corporation of the city of St. Thomas, passed under the powers contained in the said Act.

The

The corporation of the city of St. Thomas promise to pay the bearer at _____ in _____ the sum of _____ on the first day of July, A.D. _____ and the yearly coupons hereto attached as the same shall severally become due.

Dated at St. Thomas, in the County of Elgin, this thirtieth day of June, A.D. 1890.

[L.S.]

A. B.,
Mayor.

C. D.,
Treasurer.

CHAPTER 103.

An Act to amend the Act incorporating the Village of Tilbury Centre.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the municipal corporation of the village of Tilbury Centre have by their petition represented that, owing to a portion of their village being in the county of Kent, in which *The Canada Temperance Act* was in force when they were incorporated, that portion of their village taken from the county of Essex was still continued as a portion of the license district of South Essex, for the issue of tavern licenses therein; and whereas they have represented that the said arrangement has not proved to be an advantageous one to the said corporation owing to the proper regulation of the said licensed taverns and the amount of license fees to be imposed being almost entirely beyond their control; and whereas *The Canada Temperance Act* has since been repealed in the county of Kent; and whereas the municipal council of the said village of Tilbury Centre have petitioned that an Act may be passed to amend the Act incorporating the said village, so as to provide that the whole of the said village shall become part of the West Riding of Kent for the purposes of *The Liquor License Act* as it is now for all other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Tilbury
Centre to
form part of
license district
of West Kent.

1. Notwithstanding anything to the contrary contained in the Act passed in the 50th year of the reign of Her Majesty, chapter 70, and entitled "*An Act to Incorporate the Village of Tilbury*"

Tilbury Centre," the said Village of Tilbury Centre shall for the purposes of the Liquor License Act hereafter form a part of the license district of West Kent.

2. Notwithstanding anything to the contrary in *The Liquor License Act* contained, the license commissioners for the license district of West Kent shall be bound by the terms of any by-law of the municipality of Tilbury Centre, fixing the license duties payable to such municipality, and which shall be duly passed at any time before the 15th day of April, 1890.

License commissioners to be bound by by-laws as to license duties in Tilbury Centre.

CHAPTER 104.

An Act respecting the municipality of Shuniah.

[Assented to 7th April, 1890.]

WHEREAS the municipality of Shuniah has petitioned, Preamble.
that an Act may be passed amending the law relating to the assessment of property in the said municipality, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of chapter 31 of the Acts of this Province 40 V., c. 31,
passed in the 40th year of Her Majesty's reign, is hereby s. 5, and 46 V
amended by striking out the word "one" in the third line c. 42, s. 1,
thereof and inserting the word "four" instead thereof, and amended.
section 1 of chapter 42 of the Acts passed in the 46th year of Her Majesty's reign is hereby amended by striking out all after the word "exceed" in the fortieth line of said section and substituting the words "four dollars per acre."

2. All assessment rolls of the municipality of Shuniah as Assessment
finally revised before the first day of July, 1889, are hereby rolls.
confirmed and declared to be valid and binding.

CHAPTER 105.

An Act respecting the City of Toronto.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the corporation of the city of Toronto have by their petition prayed for special legislation in respect to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporation may borrow sums necessary to purchase and operate street railway.

1.—(1) The power conferred upon the corporation of the city of Toronto by section 13 of the Act passed in the 52nd year of Her Majesty's reign and chapter 73, to borrow, with the consent of the ratepayers, whatever sum may be required to enable the said corporation to acquire the ownership of the railways of the Toronto Street Railway and all real and personal property in connection with the working thereof at the expiration of the current term of the franchise of the said company, shall not be subject to the limitation of the borrowing powers of the said city contained in the first section of the Act passed in the 52nd year of Her Majesty's reign, chaptered 74, or to any limitation whatever; and the said corporation may also borrow, with the consent of the ratepayers, whatever sum may be required to manage and operate the said railway.

(2) The word "ratepayers" in the said section shall mean ratepayers entitled to vote on money by-laws, and the said consent may be given by a vote upon a question to be submitted to such ratepayers without a by-law, and without specifying the sum to be borrowed and such vote shall be taken before any application is made for an order for possession as hereinafter provided.

Corporation may take possession of street railway at expiration of current term.

2.—(1) The corporation of the city of Toronto may at once proceed to arbitrate under the 18th resolution recited in the agreement of the 26th of March, 1861, printed as schedule "A" hereto, and the said city of Toronto and the Toronto Street Railway Company shall in every reasonable way facilitate such arbitration. The arbitrator or arbitrators to be named shall proceed so as if possible to make the award not later than the 13th of March, 1891. If, from any cause, the award shall not be made by such time, or if either party be dissatisfied with such award the said the corporation of the city of Toronto shall nevertheless be at liberty to take possession of the said Toronto Street Railway and all the property and effects thereof real and personal on paying into court either the

the amount of such award, if the award be made, or, if not, upon paying into court or to the company such sum of money as on notice given to the said Toronto Street Railway Company a Divisional Court of the Chancery Division of the High Court of Justice may order, and upon and subject and according to such terms, stipulations and conditions as the said Divisional Court shall in any such order direct or prescribe; provided always that this section shall not be construed to affect the rights if the parties in any way under the said agreement save as herein provided.

(2) Nothing in this Act contained shall affect the rights of the holders of the debentures heretofore issued under the Act of this Legislature, 47 Victoria, chapter 77, but in the event of the corporation of the city of Toronto taking such possession, such debentures shall be and continue a first charge upon the said railway and property as declared by that Act whether the same are retained by the corporation of the city of Toronto or are sold or leased by them to any other persons or company. But this declaration shall not be held or taken to prejudice or affect any claim which on the part of the city of Toronto may be contended for before the arbitrator or arbitrators as to the amount at which the liability created by the said debentures should be estimated or valued in calculating the amount to be paid to the company by or under the award.

3. The agreement between the corporation of the city of Toronto and the Toronto Street Railway Company, made on the 19th day of January, 1889, and which is printed as schedule "B" hereto, is hereby confirmed; and all Acts and parts of Acts of the Legislature of this Province inconsistent therewith are hereby repealed.

Agreement of
19th January,
1889, con-
firmed.

4. By-law number 2491 of the corporation of the city of Toronto (which is printed as schedule "C", hereto) is hereby validated and confirmed as if the same had been passed on the 7th day of May, 1888.

By-law No.
2491 con-
firmed.

SCHEDULE A.

(Section 2.)

ARTICLES OF AGREEMENT had, made and concluded this twenty-sixth day of March, in the year of our Lord one thousand eight hundred and sixty-one, between the corporation of the city of Toronto of the first part, and Alexander Easton of the village of Yorkville, of the second part:

Whereas divers inhabitants of the city of Toronto have petitioned the common council of the city of Toronto to sanction the construction of street railways in, along and upon the streets of the said city, and the said party of the second part

hath

hath proposed to construct and operate such street railways upon the streets hereinafter mentioned, and the said common council did on the fourteenth day of the present month of March, accept such proposals by the following resolutions:

"First, that Alexander Easton be authorized to lay down street railways of approved construction on any of the streets of this city, such railways being of approved construction, and worked under such regulations as may be necessary for the protection of the citizens:

"Second, all works necessary for constructing and laying down the several railway tracks shall be made in a substantial manner, according to the best modern practice, under the supervision of the city surveyor or such other officer as the council shall appoint for this purpose, and to the satisfaction of the council:

"Third, the roadway between and within at least one foot six inches from and outside of each rail shall be paved or macadamized and kept constantly in good repair by the said Easton, who shall also be bound to construct and keep in good repair crossings of a similar character to those adopted by the corporation within the limits aforesaid, at the intersection of every such railway track and cross street:

"Fourth, the tracks shall conform to the grades of the various streets through which they will run, as furnished by the city surveyor or such other officer as aforesaid, and shall not in any way change or alter the same:

"Fifth, the location of the line of railway in any of the streets shall not be made until the plans thereof, shewing the position of the rails and other works in each street, shall have been submitted to and approved of by the city surveyor, or such other officer as aforesaid:

"Sixth, the city authorities shall have the right to take up the streets traversed by the rails either for the purpose of altering the grades thereof, constructing or repairing drains, or for laying down or repairing water or gas pipes, and for all other purposes within the province and privileges of the corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or to the works connected therewith:

"Seventh, the rail to be employed for the said railway shall be the flat rail, such as is now used in the city of Philadelphia, with such modifications as the council, on the recommendation of the city surveyor or other officer as aforesaid, may decide to adopt, and the cars shall be constructed in the most modern style:

"Eighth, the railway shall not be opened to the public nor put in operation until the sanction of the council has been previously obtained by means of a special resolution to that effect, and such sanction shall only be granted upon a certificate from the city surveyor, or other officer especially appointed for that purpose, declaring the said road to be in good condition

tion and constructed conformably to the conditions prescribed by the agreement on that behalf:

"Ninth, each car employed on the railway shall be numbered, and none shall be used, unless under a license for that purpose, for which license the said proprietor shall pay the annual sum of five dollars:

"Tenth, the cars shall be run over the whole of the tracks herein mentioned at least sixteen hours in summer and fourteen hours in winter on each day, and at intervals of not less than thirty minutes; and no car shall run on Sundays:

"Eleventh, the speed of the cars shall never exceed six miles per hour:

"Twelfth, the conductors shall announce to the passengers the names of the streets and public squares as the cars reach them:

"Thirteenth, the cars shall be used exclusively for the conveyance of passengers:

"Fourteenth, when the accumulation of snow or ice on the roadway shall be such as to impede the traffic, every means shall be used to clear the track, and while impeded sufficient sleighs shall be provided for the accommodation of the public:

"Fifteenth, no higher rate than five cents shall be charged for the conveyance of each passenger on the line:

"Sixteenth, the proprietor or proprietors shall be liable for all damages arising out of the construction or operation of the railways:

"Seventeenth, should the proprietor neglect to keep the track or the roadway or crossings between and on each side of the rails in good condition, or to have the necessary repairs made therein, the city surveyor or other proper officer shall give notice thereof requiring such repairs to be made forthwith, and if not made within a reasonable time, the said surveyor or other officer as aforesaid shall cause the repairs to be made, and the amount so expended may be recovered against the said proprietors in any court of competent jurisdiction

"Eighteenth, the privilege granted by the present agreement shall extend over a period of thirty years from this date, but at the expiration thereof the corporation may, after giving six month's notice prior to the expiration of the said term of their intention, assume the ownership of the railway and all real and personal property in connection with the working thereof, on payment of their value, to be determined by arbitration, and in case the corporation should fail in exercising the right of assuming the ownership of the said railway, at the expiration of thirty years as aforesaid, the corporation may, at the expiration of every five years to elapse after the first thirty years exercise the same right of assuming the ownership of the said railway, and of all real and personal estate thereunto appertaining, after one year's notice, to be given within the twelve months immediately preceding the expiration of every fifth year as aforesaid, and on payment of their value to be determined by arbitration:

"Nineteenth,

"Nineteenth, should the proprietors at any time give up the railway or cease to exercise the privilege hereby granted to them for a period of six months they shall forfeit the entire property, including the rails, cars, &c., to the benefit of the corporation :

"Twentieth, the agreement to be made hereunder shall only have effect after the legislation necessary for legalizing the same shall have been obtained :

"Twenty-first, the rails shall be laid down on Queen street from Yonge street to the asylum ; on King street from the river don to Bathurst street, and on Yonge street from King street to Bloor street :

"Twenty-second, the track on Yonge street shall be completed and equipped within twelve months from the date of the Act authorizing the same, and the tracks on King and Queen streets shall be constructed and fully equipped within two years from the same time :

"Twenty-third, if within four months after the passing of the Act, the proprietor should fail to proceed with the works in such manner as to satisfy the city surveyor or other proper officer appointed by the corporation, that they will be completed within the stipulated time, the corporation may give fourteen days' notice of its intention to annul the privileges hereby granted, and if the works are not then proceeded with in a satisfactory manner, the corporation may by resolution annul the said privileges accordingly :

"Twenty-fourth, in the event of any other parties proposing to construct railways on any of the streets not occupied by the party to whom the privilege is now to be granted, the nature of the proposals thus made shall be communicated to him, and the option of constructing such proposed railway on similar conditions as are herein stipulated, shall be offered, but if such preference is not accepted within one month, then the corporation may grant the privilege to any other parties."

NOW THESE PRESENTS WITNESS, that the said parties of the first part, in consideration of the amounts to be paid to them by the said party of the second part, his executors, administrators, and assigns, by and under the said resolutions, and these presents, and of the covenants and agreements therein on his part and behalf to be kept and performed, do hereby give and grant unto the said party of the second part, his executors, administrators and assigns, the exclusive right and privilege to construct, maintain and operate street railways by single or double tracks with all necessary turn-outs, side-tracks, and switches, in, along, and upon King street, Queen street, and Yonge street in the said city, together with the right to the use of the tracks of the said railways as against all other vehicles whatsoever, for the said term of thirty years upon the conditions, and subject to all the payments, regulations, provisions, and stipulations in the said above recited resolutions and these presents expressed and contained, and the said parties

ties of the first part covenant with the said party of the second part, his executors, administrators and assigns :

First, that when and so often as it may be necessary for them, the said parties of the first part, to open any of the streets as stipulated in the sixth resolution above recited, a reasonable notice shall be given to the said party of the second part, of their intention so to do, and the work thereon shall not be unnecessarily delayed, but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof :

Second, that there shall be no unnecessary delay on the part of the said parties of the first part and their officer and officers, in the granting of any certificate required by any of the said resolutions, but the said parties of the first part, and their officer and officers, shall and will in all things so far as is consistent with their duty, aid and assist the said party of the second part in carrying out this agreement :

Third, that the time limited in the twenty-third resolution shall apply to the construction of the railway on Yonge street, and that the restrictions therein contained, so far as the same applies to the railways on King and Queen streets, shall be extended to the first day of June in the year of our Lord one thousand eight hundred and sixty-two :

Fourth, that the said party of the second part, his executors, administrators and assigns, paying the license fees as provided in the ninth resolution, and performing and fulfilling all the conditions, stipulations, restrictions and covenants in the said resolutions and in these presents contained, shall and may, peaceably and quietly have, hold and enjoy the rights and privileges hereby granted, without any let or hindrance or trouble of or by the said parties of the first part, or any person or persons on their behalf :

And lastly, that as soon as the necessary power required to sanction this agreement be granted by the Legislature of the Province, and the parties of the first part are legally authorized so to do, they will without delay pass a By-law framed in accordance with the said resolutions.

And the said party of the second part doth hereby for himself, his heirs, executors and administrators, covenant, promise and agree to and with the said parties of the first part their successors and assigns in manner following, that is to say :

First, that he will construct, maintain and operate the said railways within the times, in the manner and upon the conditions in the said resolutions, and these presents set forth :

Second, that he will well and truly pay the said license fees and will truly and faithfully perform, fulfil and keep all the conditions, covenants and agreements in the said resolutions and these presents expressed and contained on his or their part to be performed, fulfilled and kept :

Third, that before breaking up, opening or interfering with any of the said streets, for the purpose of constructing the

said

said railways, he will give or cause to be given to the city surveyor or other proper officer of the said parties of the first part, at least ten days' notice of his intention so to do, and that no more than twenty-six hundred feet of the said streets shall be broken up or opened at any one time, and that when the work thereon shall have been commenced the same shall be proceeded with steadily and without intermission and as rapidly as the same can be carried on, due regard being had to the proper and efficient construction of the same :

Fourth, that during the construction of the said railways, due and proper care shall be taken to leave sufficient space and crossings so that the traffic and travel on the said streets and other streets running at right angles thereto shall not be unnecessarily impeded, and that the watercourses of the said streets shall be left free and unobstructed, and lights, barriers or watchmen provided and kept by the said party of the second part, when and where required to prevent accidents to the public :

Fifth, that the gauge of the said railways shall be such that the ordinary vehicles now in use may travel on the said tracks, and that it shall and may be lawful to and for all and every person and persons whatsoever to travel upon and use the said tracks with their vehicles, loaded or empty, when and so often as they may please, provided they do not impede or interfere with the cars of the party of the second part, running thereon, and subject at all times to the right of the said party of the second part, his executors, administrators and assigns, to keep the said tracks with his and their cars, when meeting or overtaking any other vehicle thereon :

Sixth, that the said party of the second part, his heirs, executors or administrators, shall and will at all times employ careful, sober and civil agents, conductors and drivers, to take charge of the cars upon the said railways, and that he the said party of the second part, his heirs, executors, and administrators, and his and their agents, conductors, drivers, and servants, shall and will from time to time, and at all times during the continuance of this grant, and the exercise by him or them of the rights and privileges hereby conferred, operate the said railways, and cause the same to be worked under such regulations as the common council of the city of Toronto may deem necessary and requisite for the protection of the persons and property of the public, and provided such regulations shall not infringe upon the privilege granted by the said resolution :

Seventh, that no higher fare than five cents shall be charged or extracted from or upon any passenger using the car or cars of the said party of the second part, from the St. Lawrence Hall, in King street, either to Yorkville or the asylum, but he or she shall be entitled to travel in the said car or cars either of the said distances for one fare only :

And lastly, that all the works to be done under the said resolutions, and these presents, and the rights and privileges

to be used thereunder shall be done and used to the satisfaction of the common council of the city of Toronto, or the city surveyor or other officer to be by them appointed for the purpose: provided, however, that if the said party of the second part be delayed by the order and injunction of any court, except the same be granted on the default or negligence of the said party of the second part, then the time of such delay shall be excluded from the operation of this agreement and such time in addition to the periods prescribed in the said resolutions shall be allowed for the completion of the said railway, and also that it is the intent and meaning of the nineteenth resolution above recited, that the forfeiture therein mentioned shall attach in case the said party of the second part fails to build and operate any one of the three lines of railway; it being the clear understanding of the said party of the second part, that the privileges hereby conferred were to insure the completion and working of three lines of railway, and in case of failure in any one the absolute forfeiture of what has been constructed and of the plant belonging thereto shall take place under the said resolution and agreement; and provided further that this agreement and the matters and things herein contained shall only take effect after the legislation necessary for legalizing the same, shall have been obtained.

SCHEDULE B.

(Section 3.)

AGREEMENT made this nineteenth day of January, A.D. 1889, between The Corporation of the City of Toronto, hereinafter called "the City," of the first part, and The Toronto Street Railway Company, hereinafter called "the Company," of the second part.

All matters in issue in the several actions which were pending between the city and the company on December 31st, 1888, and all claims made therein by the company upon the city, and *vice versa* up to said date are hereby settled on the following basis:

1. The company is to pay the city forthwith the amount of the company's debenture accounts for 1887 (\$17,095.36), with interest at five per cent. from December 31st, 1887, and for 1888 (\$22,373.56), with interest at five per cent. from September 10th, 1888, to date of payment.

2. From December 31st, 1888, the company is to pay the city in lieu of all claims on account of debentures maturing after that date, and in lieu of the company's liability for construction, renewal, maintenance and repair in respect of all the portions of streets occupied by the company's tracks, at the rate of \$600 per mile of single track (or \$1,200 per mile of double track) per annum, so long as the franchise of the company to use the said streets, or any of them, now extends; such

such sum to be paid quarterly on January 1st, April 1st, July 1st and October the 1st in each year, in respect of the three months immediately preceding the said dates respectively; the first of such quarterly payments to be made on the first of April, 1889, and if there be a broken quarter, then at the same rate for such broken quarter on the last day thereof.

3. The mileage of tracks in respect of which each quarterly payment is to be made is to be ascertained, determined and certified quarterly by two engineers appointed therefor, one by the city and the other by the company, and, in case they disagree, then by an engineer to be appointed by the two so appointed, or by a judge of the High Court of Justice, on the application of either party.

4. The said payments shall be accepted by the city in full satisfaction and discharge of all claims upon the company in respect of the construction, renewal, maintenance and repair of all the aforesaid portions of the said streets, and also in respect of all claims by the city upon the company for damages and costs suffered or paid by the city by reason of the non-construction, or non-repair thereof by the company; and hereafter the city shall undertake the construction, renewal, maintenance and repair of all the aforesaid portions of the said streets, but not of the company's tracks, ties and stringers.

5. As between the company and the city, the city shall have the sole right in every case from time to time to determine the kind of road-bed or road-beds, pavement or pavements (if any) to be laid down, constructed or maintained upon the said streets or upon the portions thereof occupied and used by the company, and the manner in which the same shall be constructed; and the liability of the city to the company in respect of the construction, renewal, repair and maintenance of roads shall be as defined by section 531 of *The Municipal Act*, save that the city shall be bound to indemnify the company against any damages or costs which the company may have to pay to third parties by reason exclusively of neglect on the part of the city to repair or to keep in repair the portions of the streets aforesaid.

6. The city is to do the aforesaid work of construction, renewal, maintenance and repair with reasonable dispatch, so that the company's traffic may not be unreasonably interrupted, and in case it is not necessary to remove the said tracks, ties or stringers, due care shall be exercised so that no unnecessary damage may be done thereto; and in any case the company may itself do the work of removal of the tracks, ties or stringers, should it be necessary in the opinion of the engineers (to be appointed as in the third paragraph hereof), that the said ties, stringers and tracks should be removed, in order to the proper performance or execution of any of said works.

7. In case it may be necessary at any time to take up any of the said road-beds occupied by the company's tracks, or any portion thereof, to allow the company to lay down tracks thereon, or to renew, replace or repair tracks, ties or stringers,
the

the company shall give ten days' notice in writing to the city engineer of their desire to have such road-beds taken up, specifying therein the portion of the road-beds so to be taken up, and the time which will be required for constructing, repairing or renewing their tracks, ties and stringers, and the city engineer shall thereupon have the said road-beds taken up, and the same shall be re-laid by the city in as good a condition as before, and the expense of such taking up and of the re-laying of the same in as good condition as before shall be ascertained and certified by the city engineer, and the amount so certified shall be a debt from the company to the city, payable forthwith on demand or recoverable with costs by action in any court of competent jurisdiction.

8. The company shall prosecute the work of laying such tracks or of renewing and replacing such tracks, ties or stringers with all reasonable dispatch, and in case the same is not proceeded with and completed within the time specified in the original notice, or within such further time as the city engineer may by writing under his hand allow, the city may replace or relay the said road-beds, and the expense of the taking up and relaying thereof shall be ascertainable and recoverable from the company as in the last section mentioned.

9. In cases where it becomes necessary for the continuance of the company's traffic, from the sinking or spreading of the ties or tracks of the company, or from any other like cause temporarily affecting small portions of the company's track (not exceeding, in any one case, 50 feet in length) that the same should be immediately repaired, the city engineer may dispense with the ten days' notice required by section 7 and may allow the company to make the necessary repairs thereto at its own expense, but such repairs must be made under the supervision and control of the city engineer and subject to his approval, and the men employed upon the work shall be subject to his orders, and the company hereby agrees to indemnify the city against any claims for damages which may be made upon the city by reason of anything happening during and by reason of such repairs.

10. In case the council authorizes the construction of new lines of track upon any street or streets, the company shall, at its own expense, under the direction, supervision and control of the city engineer, take up so much of the road-bed or pavement on said streets as the city engineer may consider necessary for the purpose of such construction, and in such manner and in such sections and portions as he may direct; such taking up of road-bed to be begun at a time to be specified in a ten days' notice, to be given in writing to the said city engineer, and to be continuously carried on as he may direct; and the men employed upon the work shall be under the orders of the said city engineer. The relaying of the said road-beds or pavements, in as good condition as before, shall be done by the city at the company's expense, and the cost thereof shall be ascertained and certified by the city engineer, and the amount

so certified shall be a debt from the company to the city, payable forthwith on demand, or recoverable with costs by action in any court of competent jurisdiction. The provisions of section 8 shall apply in case of the construction of new lines of track as aforesaid.

11. This agreement is not to affect the rights of either party in respect of any of the matters referred to in the 18th resolution set out in by-law 353 of the city of Toronto, or of any question arising out of the same, nor in respect of any matter not herein specifically dealt with, nor shall this agreement have any operation beyond the period over which the aforesaid franchise now extends.

12. In consideration of the foregoing, it is further agreed that all claims by the city against the company in respect of the construction or renewal of roadways, repairs of roadways and damages by reason of non-repair thereof up to the date of this agreement, shall be abandoned; and that all actions pending on 31st December, 1888, between the city and the company shall be forthwith dismissed by the respective plaintiffs therein without costs.

13. The company is to abandon all claims of every nature against the city up to the date of this agreement.

As witness, the corporate seal of the said city, and the hands of the mayor and treasurer thereof, and the corporate seal of the said company, and the hand of the president thereof, the day and year first above written.

E. F. CLARKE,
Mayor.

R. T. COADY,
Treasurer.

[L.S. City of Toronto.]

FRANK SMITH,
President.

JAMES GUNN,
Secretary.

[L.S. Toronto Street Railway Company.]

SCHEDULE C.

(Section 4.)

No. . A BY-LAW,

To explain and amend By-law 2,005 respecting the Don Improvement.

Passed

1890.

Whereas by by-law 2,005 of this corporation, passed on the 7th day of May, 1888, it was recited that it had been ascertained that the land expropriated by by-laws 1,774 and 1,803,
for

for the purpose of the Don improvement, was more than was necessarily required for the purpose of said improvement, and that the cost of the said improvement might be reduced by reducing the area of land so taken, and that it was expedient to repeal by-laws 1,774 and 1,803 to the extent of the extra lands thereby taken and now no longer required for said improvement, and to enact in lieu thereof a new by-law taking a less quantity of land; and whereas the enacting part of the said by-law differs from said recital, and it is expedient to amend the same in order to conform thereto and to the intention of this council in the passing thereof;

Therefore the municipal council of the corporation of the city of Toronto enacts as follows:—

1. Section 1 of by-law 2,005 is hereby amended by inserting in the last line thereof, after the word “repealed,” the words “so far as the same affects lands not hereinafter described.”

2. The said amendment shall be read as if the same had been made at the date of the passing of said by-law 2,005.

CHAPTER 106.

An Act to Consolidate the Floating Debt of the Town of Trenton, and for other purposes.

[Assented to 7th April, 1890.]

WHEREAS the corporation of the town of Trenton, have Preamble.
represented by their petition, that they were authorized by a certain Act of the Legislative Assembly of the Province of Ontario, passed in the 48th year of Her Majesty's reign, and chaptered 74, to develop the water power of the river Trent; and that in pursuance thereof, they caused plans and estimates of a mill-dam, bridge, bulk-head and flume to be made, and submitted the same to the ratepayers of said town, who approved thereof, and voted a certain sum of money to pay for same; and that after a dam and a bridge had been built, but before a bulk-head or flume had been constructed, an unforeseen accident occurred by which a large portion of the land in and about the anchorage pier of the west end of said dam was washed out, which caused an entire change to be made in the plan of the bulk-head and flume, and as an unavoidable result, the expenditure of a much larger sum for bulk-head and flume purposes than had been originally voted as aforesaid; and the said corporation being bound to complete said water power development pledged their credit, but not by debenture, to a sum sufficient to meet said extra cost, amounting to some \$23,000, and the same now subsists as a floating debt; and that another liability arising out of annual expenditure,

expenditure over estimate, and otherwise of about \$7,000 is also an outstanding floating debt; and that said two floating debts amount to \$30,000; and have prayed that same may be consolidated, and that said corporation may be authorized to issue debentures for that purpose, payable in forty years from the day of the date thereof; and have also shown by said petition that they desire the right and power to pass a by-law to fix the assessment roll of 1890 as a basis of collection of taxes of the municipality for the year 1891, with a view to an assessment commission; and have also represented by their said petition that certain amendments to said Act, chapter 74 of the Acts passed in the 48th year of Her Majesty's reign, should be made to correct clerical errors and to make clear the said Act and extend its operation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of
debentures for
\$55,000
authorized.

1. The corporation of the town of Trenton may pass a by-law authorizing the issue of debentures under the corporate seal, signed by the mayor and countersigned by the treasurer, for such sums not exceeding in the whole the sum of \$30,000, as the council of the said town may direct and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere, as the said council may deem expedient and may be either in currency or sterling money.

Power to
borrow on
debentures.

2. The said corporation may raise by way of loan upon the credit of the said debentures, from any person or persons, body or bodies corporate, either in the Province or in Great Britain or elsewhere, who may be willing to lend the same, a sum not exceeding in the whole the sum of \$30,000 of lawful money of Canada.

Application of
loan.

3. The funds derived from the negotiations of the said debentures shall be applied by the said council to the payment of the said outstanding floating liabilities, and to and for no other purpose whatsoever.

Special rate
for payment of
debentures.

4. For payment of the debentures to be issued under this Act, the municipal council shall impose a special rate per annum, (over and above and in addition to all other rates to be levied in each year), which shall be sufficient to pay the interest on the said debentures and to form a sinking fund of four per centum per annum, for the purpose of paying the principal thereof.

Investment of
sinking fund.

5. The said council shall, and it shall be the duty of the treasurer to invest, from time to time, all moneys raised by special rate for the sinking fund provided in this Act, either in redemption

redemption of any of the debentures hereby authorized to be issued, or in Government securities, or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, or may deposit the same in any chartered bank of the Dominion of Canada that the council may from time to time approve.

6. The debentures to be issued as aforesaid, shall be payable in not more than forty years from the day of the date thereof, as the said council may direct, and the interest thereon at such rate not exceeding six per centum per annum as the said council shall determine, shall be payable half-yearly according to the coupons attached thereto.

Payment of debentures and interest.

7. No irregularity in the form of the said debentures, or of the by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest, or any or either of them, or any part thereof.

Irregularities in form not to invalidate debentures.

8. It shall not be necessary to obtain the assent of the electors of said town, to the passing of the said by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors not required.

9. The said debentures may be in the form A in the schedule to this Act, or as near thereto as the said corporation may find convenient, according to the place where, and the money in which the same are made payable.

Form of debentures.

10. The said corporation shall have power, and are hereby authorized to pass a by-law fixing the assessment roll for 1890 as a basis of collection of taxes of the municipality for the year 1891, with a view (and for that purpose only,) to the establishment of an assessment commission for said town.

Roll of 1890 may be basis of collection of taxes for 1891.

11. Sections 2, 5, 7, 8 and 10 of said Act, chapter 74 of the Acts passed in the 48th year of Her Majesty's reign, are hereby amended by inserting in the sixth and eleventh lines of said section 2 immediately after the word "dam," the words "or dams"; and section 5 by inserting in the first line thereof after the word "dam," the said words "or dams"; and section 7, by striking out the word "or" in the third line thereof, between the words "dam" and "bridge," and inserting the word "and" in lieu thereof; and said section 8 by inserting in the fifth line thereof, immediately after the word "dam," the word "bridge"; and said section 10 by inserting in the fifth line thereof after the word "of," the words "a dam or."

48 V. c 74, ss. 2, 5, 7, 8 and 10 amended.

48 V. c. 74,
amended.

12. The said Act is further amended by adding thereto the following section :

Power to
rebuild dam
etc.

11. The said corporation shall have the right and power to rebuild said dam or dams, bridge or bridges, flume or flumes or bulk-head, in case the same or any of them, shall at any time hereafter be carried away, in part or totally, by freshet or otherwise, and shall have all the other rights and powers mentioned in said Act, in case of such rebuilding, provided the same be enjoyed, and exercised in conformity with the terms of said Act, as exercised in the first instance under said Act and as amended.

Power to close
part of Elgin
street.

13. The said corporation shall have power, and are hereby authorized to pass a by-law shutting up and expropriating all that part of Elgin street in said town, lying between Front or Water street and the River Trent, and using the same for a site for a fire hall and for municipal offices and vaults: Provided the rights of the present owners of land along and adjacent to said Elgin street to claim compensation for injury sustained by said expropriation shall be and they are hereby preserved for adjudication in pursuance of the provisions of *The Municipal Act* applicable to cases of "Compensation for lands taken or injured."

SCHEDULE.

(Section 9.)

(Form A.)

CONSOLIDATED LOAN DEBENTURE.

No.	Province of Ontario, Town of Trenton.	\$
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Under and by virtue of the Act passed in the fifty-third year of the reign of Her Majesty, Queen Victoria, and chaptered _____, and by virtue of a by-law No. _____ of the corporation of the Town of Trenton, passed under the provisions contained in the said Act;

The corporation of the town of Trenton promise to pay the bearer at _____ in _____ the sum of _____ on _____ day of _____ A.D. _____, and the half-yearly coupons hereto attached as the same shall severally become due.

Dated at Trenton in the County of Hastings, Province of Ontario, this _____ day of _____ A.D.,

[L.S.]

A.B.,
Mayor.
C.D.,
Treasurer.

CHAPTER

CHAPTER 107.

An Act respecting the Town of Walkerton.

[Assented to 7th April, 1890.]

WHEREAS the municipal corporation of the town of Walkerton, by their petition have represented that they have incurred debts and liabilities for the purpose of granting bonuses to manufacturers, for public improvements, for erecting school buildings, for purchasing grounds for agricultural exhibitions and for other purposes, in all to the extent of \$51,800; that debentures for the above amount have, from time to time, been issued under the authority of various by-laws, each of which has made provision for the levying of an annual rate for the payment of said debentures thereby authorized, which rate has hitherto been levied in every year as required by said by-laws, and that the treasurer of said corporation now holds, as trustee for said corporation, sinking funds to the amount of \$19,804.41 to meet such debentures; and that it has been found impossible to invest such sinking funds advantageously, and said corporation has sustained loss by reason of same remaining uninvested; that debentures to the amount of \$3,500, issued under some of said by-laws, will mature in the year 1891, and other debentures similarly issued, to the amount of \$2,700, will mature in the year 1892, and the other debentures referred to will mature at various dates during the years 1897, 1900, 1901, 1902, 1903 and 1908; and that by reason of the irregular arrangement and the short dates of the respective times at which said several debentures are made redeemable, the rates required for such redemption in the future will be oppressive; and that the corporation of said town is without any effective fire protection, and on account of the oppressive rates required for the redemption of such debentures it is impossible to incur further liability for such purpose; and that a large portion of such indebtedness was incurred for public improvements, erecting school houses and purposes, the benefits of which will be felt long after the said debentures will have matured and become payable, for which reasons and upon other grounds, it has been deemed advisable, by the council of said municipality, to have the said debenture debt consolidated and the whole made payable as hereinafter provided; and whereas the said corporation have prayed that the balance of said debt may be consolidated, and that they may be authorized to issue debentures for the purpose of discharging the balance of such indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated at \$34,000.

1. The said debts of the town of Walkerton are hereby consolidated at the sum of \$34,000, and it shall be lawful for the corporation of the said town of Walkerton to raise, by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire the said debentures, not exceeding in the whole the said sum of \$34,000, exclusive of interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the said corporation of the town of Walkerton, from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not exceeding \$34,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable either in this Province or Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the corporation may deem expedient.

Power to borrow on debentures.

3. The corporation of said town may, for the purpose in section 7 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Term of debentures.

4. A portion of the \$34,000 of debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty years from the 1st day of April, 1890, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Payment of debentures and interest.

5. It shall be lawful for the said corporation to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Debentures may be issued payable in twenty years.

6.—(1) In lieu of the debentures authorized to be issued by sections 4 and 5 hereof, debentures may be issued payable in not more than twenty years from the date thereof, as the said corporation

poration may direct, with coupons attached to the said debentures for the payment of interest thereon, and such interest shall be payable half yearly on the first day of the months of January and July in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

(2) For the payment of the principal of the said debentures to be issued under this section (if so issued) the council of the said corporation shall impose a special rate annually (over and above and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such debentures), which shall form a sinking fund sufficient with the estimated interest on the investment thereof to discharge the debt when payable. Sinking fund.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the town of Walkerton to the amount of \$34,000, and in no other manner, and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures." Application of proceeds of debentures.

8. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures. Power to call in debentures.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-law not to be repealed till debt paid.

10. In case the debentures hereinbefore authorized are issued under sections 4 and 5 it shall not be necessary for the council of the said corporation to enforce the collection of the sinking fund or amounts required to be levied for principal money to pay the said outstanding debentures. When sinking fund may not be provided.

11. It shall not be necessary to obtain the assent of the electors of the said town of Walkerton to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*. Assent of electors to by-law not required.
Rev. Stat. c. 184.

12. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council Treasurer to keep books showing state of debenture account.

council to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and also the investments made from time to time of the sinking fund (if any), and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

Claims against
corporation
not affected.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Walkerton from any indebtedness or liability, which may not be included in the said debt of the said town of Walkerton.

Form of de-
bentures and
by-law.

14. The debentures issued under or in pursuance of section 4 of this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule "B" to this Act.

Inconsistent
provisions not
to apply.

15. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Irregularities
in form not to
invalidate
debentures.

Short title.

16. This Act may be cited as "*The Walkerton Debenture Act, 1890.*"

SCHEDULE "A."

(Section 14.)

No.

§

CONSOLIDATED DEBT DEBENTURE, PROVINCE OF ONTARIO,
TOWN OF WALKERTON.

Under and by virtue of *The Walkerton Debenture Act 1890*, and by virtue of by-law No. of the corporation of the town of Walkerton, passed under the provisions contained in the said Act, the corporation of the town of Walkerton promise to pay to the bearer at the Merchants' Bank of Canada, in the town of Walkerton, the sum of on the day of one thousand hundred and and the yearly coupons hereto attached as the same shall severally become due.

Dated at Walkerton, in the county of Bruce, this day of A.D. .

[L. S.]

Mayor.

Treasurer.

SCHEDULE "B."

(Section 14.)

By-law No. to authorize the issue of debentures under the authority of *The Walkerton Debenture Act, 1890*.

Whereas the said Act authorizes the issue of debentures for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," not exceeding the sum of \$ in the whole, as the corporation of the town of Walkerton may, in pursuance of, and in conformity with, the provisions of the said Act, direct; and whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable on the day of and on the day of (or, as the case may be) with interest thereon, at the rate of per cent. per annum, payable half-yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole ratable property of the said town of Walkerton, according to the revised assessment roll of said town, being for the year one thousand eight hundred and was \$.

Therefore

Therefore the municipal council of the corporation of the town of Walkerton, enacts as follows :—

1. That debentures under the said Act, and for the purpose therein mentioned, to be known as “Consolidated Debt Debentures,” to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable half-yearly on the first days of in each year.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and

CHAPTER 108.

An Act to Incorporate the Town of Walkerville.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the unincorporated village of Walkerville, in the township of Sandwich East, in the county of Essex, has a population of one thousand souls or thereabouts; and whereas the population of the said village is rapidly increasing and will continue to increase in consequence of being the northern terminus of the Lake Erie, Essex & Detroit River Railway, and of being on the line of the Great Western division of the Grand Trunk Railway, and from other causes; and whereas important manufacturing industries are established in the said village giving employment to a large number of artisans and other workmen; and whereas the inhabitants of the said village have, by their petition, represented that they are desirous of having the said village incorporated as a town in order to enable them to carry out and extend certain necessary public improvements which can be more rapidly effected under the powers granted to towns; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Town of
Walkerville
incorporated.

1. From and after the holding of the first election under this Act the inhabitants of the said village of Walkerville shall be and they are hereby constituted a corporation or body politic under the name of “The Corporation of the Town of Walkerville,” apart from the township of Sandwich East, in which the said village is situate, and shall enjoy and have all the rights, powers and privileges which could have been enjoyed and exercised by the said town of Walkerville if the same had been incorporated as a town under *The Municipal Act*, except where otherwise provided by this Act.

Rev. Stat. c.
184.

2. The said town of Walkerville shall comprise and consist of all that part of the said township of Sandwich East described as follows: Commencing at the south-west angle of lot numbered 94 (McNiff's survey) in the first concession of said township; thence northerly following the west limit of said lot and said limit produced 151 chains and 25 links, more or less, to the channel bank of the river Detroit; thence easterly following said channel bank 41 chains and 42 links; thence southerly and parallel with the above-mentioned west limit 6 chains to the north limit of Sandwich street; thence westerly following said northerly limit 67 links; thence southerly parallel with the above-mentioned west limit 9 chains and 88 links, to the south limit of the Grand Trunk Railway Company's land; thence easterly following said south limit 4 chains 14 links; thence southerly parallel with the east limit of lot 96, 11 chains 15 links; thence westerly and at right angles to said east limit 3 chains 27 links to the east limit of the Lake Erie, Essex, and Detroit River Railway Company's lands; thence southerly following said east limit 122 chains, 13 links to the north limit of the Tecumseh Road; thence westerly following said north limit to the place of beginning.

Boundaries of town.

3. The said town of Walkerville shall be divided into three wards, to be called respectively St. Andrew's ward, St. George's ward and St. Denis' ward. St. Andrew's ward shall be composed of that part of the town described as follows: Commencing at the south-west angle of farm lot 94; thence northerly following the west limit of said lot and its production to the channel bank of the river Detroit; thence easterly following said channel bank to its intersection with the produced centre line of Second street; thence southerly following said centre line and its production to the centre of Assumption street; thence westerly following the centre of Assumption street to the centre of First street; thence southerly following the centre of First street and its production to Tecumseh road; thence westerly following said road to the place of beginning. St. George's ward shall be composed of that portion of the town described as follows: Commencing at the intersection of the channel bank of the river Detroit with the produced centre line of Second street; thence southerly following said centre line and its production to the centre of Assumption street; thence westerly following the centre of said street to the centre of First street; thence southerly following the centre of First street and its production to Tecumseh road; thence easterly following said road to its intersection with the produced centre line of the alley between Third and Fourth streets; thence northerly following said centre line and its production to the channel bank of the River Detroit; thence westerly following said channel bank to the place of beginning. St. Denis ward shall be composed of that portion of the town described as follows: Commencing at the inter-

Wards.

section of the channel bank of the river Detroit with the produced centre line of the alley between Third and Fourth streets; thence southerly following said centre line and its productions to the Tecumseh road; thence easterly following said road to the east limit of the town; thence northerly following said east limit to the channel bank of the river Detroit; thence westerly following said channel bank to the place of beginning.

Nomination
for first elec-
tion of mayor
and council-
lors.

4. After the passing of this Act it shall be lawful for William Robins, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor and councillors at the Music hall in the said town of Walkerville at the hour of noon on Monday, the 5th day of May, 1890; and the said William Robins shall preside at the said nomination, or in case of his absence the electors shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for said election, if necessary, shall be held on the same day of the week next following, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling is to take place.

Deputy re-
turning offi-
cers.

5. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the said town is divided; and such returning officer and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Clerk of town-
ship of Sand-
wich East to
furnish copy
of assessment
roll.

6. The clerk of the said township of Sandwich East and any other officer thereof shall, upon demand made upon him by the said returning officer, or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said village and township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed that may be required for that purpose; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of the electors entitled to vote in each of the said wards respectively and each such copy shall be verified on oath.

7. The council of the said town to be elected in the manner Council. aforesaid shall consist of a mayor, who shall be the head thereof, and nine councillors, three councillors being elected for each ward: and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of nomination; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

8. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns. Oaths of office and qualification.

9. At the first election of mayor and councillors for the said town of Walkerville the qualifications of electors and those of officers required to qualify shall be the same as those required in townships by the municipal laws of Ontario, and the qualification of mayor and councillors shall be the same as that of a reeve and councillors in an incorporated village. Qualification at first election.

10. The council of the said town of Walkerville shall be entitled to recover from the said township of Sandwich East such share of all moneys on hand, due, owing and of right collectable by and belonging to the said township at and prior to the said time of incorporation or thereafter if entitled thereto as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said town, as shown by the collector's roll of the year 1889, bears to the whole amount of the assessed property of the said township of Sandwich East each to each and the said town shall be liable to pay to the said township a share in the same proportion of all debts and liabilities existing against the said township at the time this Act shall come into force as the same shall become due, and which are fairly and equitably chargeable against the said town, and in case of dispute the share to be borne by each respectively shall be ascertained and settled under the provisions of the municipal laws of Ontario. Assets and liabilities.

11. The said town of Walkerville shall be a town separate from the county, and the annual amount which the town shall have to pay to the county for the expenses of the administration of justice, the use of the gaol, and the erection and repairs of the registry office and for providing books for the same, and for services for which the county is liable as required by and under the provisions of any Act respecting registration of instruments relating Separation of town from county of Essex.

relating to land, as well as for any existing debt of the county, shall be an amount equal to one-fourth of the amount paid for similar purposes by the said township of Sandwich East to the county of Essex in the year 1889 exclusive of the amount levied by the county for county roads and bridges; at the end of every five years, after the passing of this Act, a new agreement, or a new award, may be made in accordance with the provisions of *The Municipal Act* in that behalf to ascertain the amount to be paid by the town to the county for the expenses of the administration of justice, the use of the gaol, erection and repairs of the registry office, or offices, the providing books for the same, and for services for which the county is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands.

Time for
taking assess-
ment.

12. The council of the said town of Walkerville may pass a by-law for taking the assessment of the said town for the year from the first of January to the thirty-first of December 1890, between the first day of May and the first day of August 1890; and if any such by-law extends the time for making and completing the assessment rolls beyond the first day of June, 1890, then the time for closing the court of revision shall be six weeks from the day to which such time is extended and the final return by the judge twelve weeks from that day.

Expenses of
Act.

13. The expenses incurred in obtaining this Act and those of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town or otherwise, shall be borne by the said town and paid by it to any person that may be entitled thereto.

CHAPTER 109.

An Act to Consolidate the Debt of the Township of Wallace.

[Assented to 7th April, 1890]

Preamble.

WHEREAS the corporation of the township of Wallace, in the county of Perth, have, by their petition, represented that they have incurred debts and liabilities for the purpose of giving bonuses to railways to the extent of \$20,000, for which amount debentures have been issued under the authority of two several by-laws duly passed by said corporation; that of the said debenture debt there will mature the sum of \$10,000 on the first day of March, A.D. 1891, under and by virtue of by-law No. 117 of said township, for the purpose

of aiding the Wellington, Grey and Bruce Railway Company by a free grant or donation of debentures by way of bonus to the extent of \$10,000, subject to certain terms, restrictions and conditions, and there will also mature the sum of \$10,000 on or about the first day of January, A.D. 1898, under and by virtue of by-law No. 180 of said township, for the purpose of aiding and assisting the Stratford and Huron Railway Company by granting thereto the sum of \$10,000 by way of bonus, and to provide for the issue of debentures therefor, and to authorize the levying of a special rate for the payment of said debentures and interest thereon; and whereas the said corporation have represented that there has been no provision made for the payment of said debentures, and that it would be in their interest to obtain an Act consolidating the debt of the said township and authorizing the issue of debentures in order to retire the debentures now outstanding; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The debts of the said corporation of the township of Wallace, in the county of Perth, are hereby consolidated at the sum of \$20,000, and it shall be lawful for the said corporation to pass a by-law or by-laws authorizing the issue of debentures of the said township for a sum not exceeding in the whole the sum of \$20,000 to redeem the said outstanding debentures issued under the by-laws hereinbefore first mentioned, and the said corporation may, after the redemption of the original debentures, repeal the said by-laws so far as regards the levying of rates imposed by the same for the redemption of said original debentures and the payment of interest thereon. Debts consolidated.

2. The debentures to be issued under the preceding section of this Act shall be made payable at such time or times not more than twenty years from the date thereof, as said corporation may direct, at such place or places either within or without this Province, and shall be for such sums either in sterling or currency not less than \$100 each, as the said corporation may, by such by-law or by-laws, direct, and the said debentures shall bear interest at a rate not exceeding five per cent. per annum, payable yearly or half-yearly, as by such by-law or by-laws may be provided. Payment of debentures.

3. The said corporation may raise, by way of loan upon the credit of the said debentures to be issued under section 1 of this Act, a sum of money not exceeding, in the whole, the sum of \$20,000, and the treasurer of said corporation shall, upon receiving instructions so to do from the municipal council, call in and discharge, with the funds raised upon the said debentures, but only with the consent of the holders thereof, the outstanding Power to borrow on debentures.

outstanding debentures mentioned in the preamble to this Act or may substitute for the said outstanding debentures or any of them, the debentures authorized to be issued under any by-law passed under the provisions of this Act upon such terms as may be agreed on between the corporation and the holders of such outstanding debentures.

Special rate. 4. The by-law or by-laws authorizing the issue of such debentures shall impose a special rate per annum (over and above all other rates to be levied each year) which shall be sufficient to pay the interest on such debentures, and to provide a sinking fund for the due payment of the principal of the said debentures when the same shall fall due.

Investment of sinking fund. 5. The treasurer of the said corporation, by and with the consent and approbation of the municipal council, from time to time shall have power to invest all moneys standing at the credit of the sinking fund created under this Act in the redemption of the said outstanding debentures of the said corporation, or in the debentures issued under the authority of this Act, or in Government securities, municipal debentures or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, but not to a greater extent than two-thirds of the assessed value of such real estate, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same, or in such manner as the Lieutenant-Governor in Council may, by general or special order, direct, or he may deposit the same in any chartered bank of the Dominion of Canada of which the council may from time to time approve, and all dividends and interest received on such investments shall be applied to the extinction of the loan authorized to be raised under this Act.

Assent of electors not required to by-law. 6. It shall not be necessary to obtain the assent of the electors of the said township to the passing of any by-law or by-laws which shall be required under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act* or amendments thereto, and anything in the said *Municipal Act* which is or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act.

Rev. Stat. c. 184.

Application of funds. 7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the said corporation and for no other purposes whatsoever, and said debentures may be known as "The Consolidated Debt Debentures, Township of Wallace."

8. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and the investments which shall, from time to time, be made of the sinking fund, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Treasurer to
keep books
showing state
of debenture
account.

9. The debentures issued under this Act may be in the form contained in the schedule "A" to this Act, and the by-law or by-laws authorizing the same, and for the special rate for payment of interest and to form a sinking fund may be in the form of schedule "B" to this Act.

Form of de
bentures.

10. No irregularity in form, either of the said debentures to be issued under this Act or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof.

Irregularities
in form not to
invalidate de-
bentures.

SCHEDULE "A."

(Section 9.)

PROVINCE OF ONTARIO.

Consolidated Debt Debenture, Township of Wallace.

Under and by virtue of an Act to consolidate the debt of the township of Wallace, in the county of Perth, passed in the year of Her Majesty's reign and chaptered the corporation of the township of Wallace, in the county of Perth, promise to pay to the bearer at the sum of on the day of one thousand hundred and and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at the township of Wallace this day of
A.D. .

SCHEDULE

SCHEDULE "B."

(Section 9.)

By-law No. , to authorize the issue of debentures under the authority of an Act to consolidate the debenture debt of the township of Wallace, passed in the year of Her Majesty's reign, chaptered and the levying of a special rate for the payment of said debentures.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$20,000 in the whole as the corporation of the township of Wallace may direct, and whereas, for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ payable on the day of with interest thereon at the rate of per cent. per annum, payable yearly according to the coupons to the said debentures attached; and whereas the said Act requires, for the payment of the debentures to be issued thereunder, that the council shall levy a special rate which shall be sufficient to pay the sums falling due annually for interest on said debentures, and to provide a sinking fund for the due payment of the principal thereof, and it will require the sum of \$ to be raised annually for the said interest and sinking fund; and whereas the amount of the whole ratable property of the township of Wallace, according to the last revised assessment roll of the said township, being for the year one thousand hundred and was \$

Therefore the municipal council of the township of Wallace enacts as follows:—

1. That debentures under the said Act and for the purposes therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons attached thereto for the payment of interest at the rate of per cent. per annum, payable yearly on the day of in each year.

3. For the purpose of forming a sinking fund for the payment of the said debentures and for the interest at the rate aforesaid to become due thereon, the sum of \$ shall, over and above and in addition to all other sums or rates, be raised, levied and collected in each year upon all the ratable property in the said township of Wallace during the continuance of the said debentures, or any of them.

This by-law passed in open council this day of in the year of our Lord one thousand hundred and

CHAPTER 110.

An Act respecting the Town of West Toronto Junction.

[Assented to 7th April, 1890.]

WHEREAS the corporation of the town of West Toronto Junction has by its petition represented that by-law number 110 of the said town was duly passed on the 23rd day of December, 1889, after having first received the assent of more than two-fifths of all the ratepayers entitled to vote thereon, being also a majority of those who voted; that such by-law provides for the issue of debentures of the said town to the amount of \$150,000, payable in twenty annual instalments, and bearing interest at four per cent. per annum, for the purpose of constructing subways under the Canadian Pacific Railway in the said town, and doing other works in connection therewith; that the said corporation have entered into an agreement with the Canadian Pacific Railway Company in reference to the construction of such subways or of overhead bridges in lieu thereof and of other works, and that such by-law as voted on and passed provides for application being made to the Legislative Assembly of the Province of Ontario for an Act authorizing the issue of debentures to such amount, payable in forty (instead of twenty) annual instalments, and sanctioning and confirming the action of the municipal corporation in and about the construction of the said subways, and the acquisition and disposal of lands and the doing of other works in connection therewith, and said corporation have prayed that an Act may be passed for these purposes and granting the said corporation certain special powers; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 110 of the corporation of the town of West Toronto Junction, which is printed as schedule "A" hereto, is hereby amended and varied by striking out the fifth enacting clause thereof, and by substituting the word "forty" for "twenty" and the figures \$7,578.53 for \$11,037.26 wherever the same respectively occur in the said by-law, and such by-law as so amended and varied and the debentures to be issued in accordance therewith are hereby declared to be legal, valid and binding on the said corporation, and the clerk of the said corporation is required to register such by-law as so amended and varied in the proper registry office within four

By-law
No. 110 of
West Toronto
Junction
amended.

four weeks after the passing of this Act, but the omission to register the same shall not affect the validity of the said by-law or of the debentures issued or to be issued thereunder.

Agreement
with Canadian
Pacific Rail-
way Company
confirmed.

2. The agreement between the said corporation and the Canadian Pacific Railway Company bearing date the 18th day of November, 1889, which is printed as schedule "B" hereto, is hereby ratified and confirmed, and the said corporation and the said railway company are declared to have and to have had power to enter into the said agreement, and the corporation may expend a portion of the money raised by the said debentures in the construction of an overhead bridge instead of one of the subways mentioned in the said by-law.

Municipality
may construct
subways or
overhead
bridges and
acquire lands
therefor.

3. It shall and may be lawful for the said corporation to make, construct, erect and build the two subways mentioned in schedule "B" and in accordance with the descriptions thereof contained therein, or in lieu of one of said subways to build an overhead bridge as mentioned in schedule "B," with all suitable approaches to and other works connected therewith, of such materials, and according to such plan or plans as the said corporation may have adopted or may hereafter adopt regarding the same not inconsistent with the agreement schedule "B;" and for all and every of the purposes aforesaid, and for the purposes of carrying out the said works or any of them to completion, and thereafter maintaining the same, it shall and may be lawful for the said corporation and their servants, workmen and agents, or contractor, or contractors to enter upon, take possession of, cut, dig up and use all such portions of the lands adjoining the said streets or any of them as their engineers or engineer may certify to be necessary and the said corporation may define by by-law, and to close, break up, divert, alter, improve, and change the said streets or any of them, to such extent, and in such manner as the said engineer or engineers may think fit and necessary for the purposes of the said works or any of them.

Power to
acquire and
sell whole
lots.

4. Where a portion only of a lot or parcel of land as designated on any registered plan, is required for the said works, or is injuriously affected thereby, the corporation may by by-law enact and declare that it is advisable or necessary to purchase or acquire the whole of any such lot or parcel, and may thereupon purchase or acquire the whole thereof, and may hold, use and enjoy the same, and may sell and convey the same or part thereof from time to time as they may deem expedient. Or instead of acquiring the whole of such lot or parcel of land may make such reasonable compensation to the owner or owners thereof as may be agreed upon.

Provisions of
municipal
laws as to
compensation
to apply.

5. The provisions of sections 483, 484, 485, 486 and 488 of *The Municipal Act*, shall apply to the works mentioned in schedule "B" and the lands required or injuriously affected thereby

thereby, and the provisions of section 487 of said Act as amended by sections 21 and 22 of *The Municipal Amendment Act 1889*, shall also apply as if said town was a city having a population of 100,000 or over.

6. Upon payment or legal tender of the compensation which may have been agreed upon or awarded to the party entitled to receive the same, or upon the amount of such compensation being paid into the High Court of Justice, the award or agreement shall vest in the corporation the power forthwith to take possession of the lands or to exercise the right or to do the thing for which such compensation has been awarded or agreed upon, and if any resistance or forcible opposition is made to their so doing, the judge or junior judge of the county court of the county of York may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the county of York or to a bailiff as he may deem most suitable, to put the corporation in possession, and to put down such resistance or opposition, which the sheriff or bailiff taking with him sufficient assistance shall accordingly do.

Right to possession to vest in municipality upon payment of compensation.

Warrant of county judge may issue to put municipality in possession.

7. The warrant may also be granted by such judge without an award or agreement on affidavit to his satisfaction, that the immediate possession of the lands is necessary to carry out some part of the said works with which the corporation are ready forthwith to proceed, and upon the corporation paying such amount as he may direct into the High Court of Justice or upon their giving security to his satisfaction, to pay or deposit the compensation to be awarded within one month after the making of the award with interest from the time at which possession is given, and with such costs as may be lawfully payable by the corporation; but seven days' notice in writing of the application for such warrant shall be given to the person in possession.

When warrant for possession may issue before award made.

8. The said corporation may pass one or more by-laws authorizing the issue of debentures for a sum of not more than \$200,000 in the whole for the construction of a system of sewerage payable at such time or times as the corporation may think proper, not exceeding forty years from the date of the respective by-laws, subject however to the provisions of *The Municipal Act* in reference to the submission of the said by-laws for the approval of the ratepayers.

Issue of debentures for sewers authorized.

Rev. Stat. c. 184.

9.—(1) No irregularity in the form either of the said debentures by the next preceding section authorized to be issued or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof.

Irregularities of form not to invalidate debentures.

(2) The said corporation may pledge or hypothecate the said debentures issued under the said by-law numbered 110, or said sewerage debentures, or any other debentures of the corporation to any person or body corporate as collateral security for a temporary loan or loans for meeting the cost of the works under such by-law respectively pending the final sale of said debentures.

Preamble.

10. Whereas the Grand Trunk Railway Company of Canada own property in the said municipality of West Toronto Junction, and whereas it was and is considered by the said railway company to be unfair to subject them to taxation for the works and improvements in this Act and the agreement and by-law set out in schedules to this Act, and therefore the said Grand Trunk Railway Company of Canada and the said corporation have agreed that for the period of ten years from the passing of this Act or the time it takes effect that the taxes of all kinds to be levied on the property of said railway company within the said municipality, excepting for public schools, shall be the fixed sum of \$150.

Assessment of
property of
Grand Trunk
Railway Com-
pany.

Therefore, it is hereby further enacted that for the period of ten years, computing from the day this Act comes in force, the taxes and assessments of all kinds and for all purposes, excepting for public schools, upon the property owned or leased by the said the Grand Trunk Railway Company of Canada for the purposes of the said company within said municipality to be levied and collected from said company by said municipality shall be and the same is hereby fixed at the sum of \$150 in each year for the full period of ten years, computed as aforesaid, and that for the purpose of fixing the amount of the said taxes for public school purposes the assessment upon said railway property shall be and the same is hereby fixed at the sum of \$10,000 in each year for the said ten years.

SCHEDULE A.

(Section 1.)

BY-LAW, No 110.

A by-law to provide for the construction of subways and carrying on of other works in accordance with an agreement made between the corporation of the town of West Toronto Junction and the Canadian Pacific Railway Company, and for borrowing upon the credit of the municipality the sum of \$150,000.

Whereas by agreement made between the corporation of the town of West Toronto Junction and the Canadian Pacific Railway Company, it is provided that the corporation shall construct two subways under the company's tracks one on
Keele

Keele street and one on the Weston road, and do other works and things in connection therewith. And whereas in order to enable the corporation to carry out its agreement for the construction of the Weston road subway, it will be necessary to purchase that portion of the Weston road within the limits of the town, and it will be necessary in carrying out the several works to acquire lands and to pay therefor and compensate owners of land for damages. And whereas it is for the interest of the town that the said subways should be constructed and said agreements carried out, and that a debt of \$150,000 be created by the issue of debentures to that amount to pay for all such works, and the expenditure connected therewith. And whereas it is desirable that the principal of said debt should be repayable by annual instalments for a term of years with interest thereon annually at the rate of four per centum per annum, such instalments to be so arranged that the aggregate amount of principal and interest payable in any one year shall be equal to what is payable for principal and interest in each of the other years during the term. And whereas the total amount required to be raised annually by special rate sufficient therefor on all the ratable property of the municipality for paying the said debt and interest will be the sum of \$11,037.26 each year for twenty years. And whereas the amount of the whole ratable property of the municipality, according to the last revised assessment roll, being for the year 1889, is the sum of \$2,708,704. And whereas the whole debenture debt of the municipality amounts to \$169,121.20, on which no principal or interest is in arrear.

Be it therefore enacted by the municipal council of the corporation of the town of West Toronto Junction as follows:

1. That the agreement made by the corporation with the Canadian Pacific Railway Company is hereby approved and ratified, and that the same be carried out, and the moneys necessary for that purpose and for the other works connected therewith or arising thereout be provided by the issue of debentures as hereinafter mentioned.

2. That the mayor is hereby authorized and required to issue debentures of the said corporation to the amount of \$150,000, which shall be marked and known as "Subway Debentures," and shall be in sums of not less than \$100 each, and shall be sealed with the corporate seal of the said corporation, and signed by the mayor and treasurer thereof, and shall be payable within twenty years from the date hereinafter mentioned for this by-law to take effect at the Molson's Bank, West Toronto Junction, with interest at the rate of four per centum per annum as follows, that is to say, the said principal sum in twenty annual instalments, and the interest at the rate aforesaid annually during said term, the aggregate amount of such annual instalments of principal and annual payments of interest shall be the sum of \$11,037.26 in each year.

3. For the purpose of paying the said sum of \$150,000 and to cover interest on the said amount as aforesaid, the sum of \$11,037.26

\$11,037.26 shall be levied by a special rate over and above all other rates (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the town in each year for the period of twenty years from the date hereinafter mentioned for this by-law to take effect, during which the said debentures have to run.

4. This by-law shall take effect on the twenty-third day of December, A.D. 1889, if previously assented to by the electors.

5. And whereas *The Municipal Act* provides that in the case of a by-law for contracting debts by borrowing money, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such by-law takes effect, and it is desirable that the payment of the debt intended to be contracted by this by-law should be in forty annual instalments of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period; be it therefore enacted that application be made to the Legislative Assembly of the Province of Ontario, at the next session thereof to pass an Act authorizing the issue of such debentures to the said amount of \$150,000, bearing interest at the rate of four per cent. per annum, payable in forty annual instalments from the date of this by-law taking effect, instead of in twenty annual instalments as above provided, and in such case authorizing the levy of the sum of \$7,578.53 in each year for forty years by a special rate sufficient therefor on all the ratable property in the said municipality, and sanctioning and confirming the action of the municipal corporation in and about the construction of the said intended subways and the acquisition and disposal of lands and the doing of other works in connection therewith.

6. This by-law shall be submitted for the assent of the electors of the said town under the provisions of *The Municipal Act*, and on Tuesday the 17th day of December, A.D. 1889, at the hour of nine o'clock in the forenoon the poll will be opened to take the votes of the qualified electors of the said municipality on said by-law, and the poll will close at five o'clock in the afternoon on said day.

7. The places for taking the votes and the deputy returning officers of the several wards of said town respectively shall be as follows:—For ward number one, John Barnes, deputy returning officer, Barnes' store; for ward number two, A. J. Heydon, deputy returning officer, J. A. Bull's shop; for ward number three, L. J. Law, deputy returning officer, Christie Lime Company's office; for ward number four, A. H. Clemmer, deputy returning officer, council chamber; for ward number five, W. A. Thring, deputy returning officer, Davy's store.

8. That on Friday the 13th day of December, A.D. 1889, at the hour of ten o'clock in the forenoon, at the clerk's office, in the said town, the mayor shall appoint in writing the persons to attend at the polling places, and at the final summing up of
the

the votes on behalf of the persons interested in, and promoting or opposing respectively the passage of this by-law.

9. That the clerk of the said municipality shall attend at the council chamber, corner of Dundas street and Pacific avenue in the said town at 6.30 o'clock in the afternoon, on the 17th day of December, A.D. 1889, to sum up the number of votes given for and against this by-law.

Council Chamber, November 18th, 1889.

First published in the *York Tribune* newspaper, on the 19th day of November, A.D. 1889.

Passed December 23rd, 1889.

SCHEDULE B.

(Section 2.)

Agreement made in duplicate this eighteenth day of November, A.D. eighteen hundred and eighty nine. Between the Municipal Corporation of the Town of West Toronto Junction, hereinafter called the Corporation of the first part, and the Canadian Pacific Railway Company, hereinafter called the Company of the second part.

Whereas negotiations have been in progress for some time past between the Corporation and the Company as to the location of the Company's principal repair shops for the Ontario Division of said railway at said town, and the Company has agreed to so locate and maintain said shops subject to the terms, conditions, and mutual covenants and agreements hereinafter set forth.

Now, therefore, this agreement witnesseth that each of the parties hereto for itself, its successors, and assigns covenants and agrees with the other party, its successors, and assigns as follows, that is to say:—

1. The corporation having fulfilled its covenants hereinafter contained, so far as they are to be fulfilled before the end of the year eighteen hundred and ninety-one (1891) the company will before that time remove to West Toronto Junction the whole of the company's shops for the repairs of locomotives and cars now at Parkdale, except the running sheds and shops for such minor repairs as cannot so conveniently be made elsewhere, and also will before that time establish and will afterwards maintain for all time at West Toronto Junction the principal shops for the repairs of locomotives and cars for the Ontario Division of the company's lines, and to this end the company will erect and provide as speedily as possible, and before the end of the year eighteen hundred and ninety-one (1891) suitable buildings, machinery, and the other usual and necessary appliances, having a capacity equal at least to those now at the company's Parkdale shops;

2. The company will allow Edmund Street to be opened up across its lands forthwith, and will allow Cooper Avenue to be widened across its lands to the full width of said avenue outside its lands, namely, 66 feet, and will provide the usual cattle guards and fences for this street and avenue, where they cross the tracks of the Company ;

3. The company will remove their tracks, which are at present south of the passenger station at West Toronto Junction to the north of said station, so as to afford free access for passengers and vehicles to the south side of the said station from Union Street and from the public square adjoining Union Street, and from that portion of the Weston Road which is south of the subway hereinafter provided for ;

4. The company will allow the corporation at any time to erect an elevated foot-way across their lands about half way between Keele and Elizabeth Streets ; said footway to be at least twenty-one feet six inches (21' 6") clear in height above the tops of the said company's rails, and to be built at such place and in such manner as shall be satisfactory to the company. The corporation hereby undertaking to indemnify the company against all claims by other parties which may arise in consequence of the construction or maintenance of the said foot-way or the insufficiency thereof ;

5. The company, upon being required by the corporation, will put in sidings for the Hess and Heintzman factories on the company's usual terms and conditions for the construction of such sidings, which are : That the party for whom the siding is put in provides the right-of-way and pays for the structures, grading, ties, track-laying, ballasting, and any labour involved in the construction of siding, and 6 % (per cent.) per annum on the cost of the remainder of the material used in the construction of the siding, and executes an agreement with the company as per attached form ;

6. That the company, upon being required by the corporation so to do, will put in a siding to the Canada Wire Mattress Company's premises on its right-of-way north of its present main track, crossing the proposed sub-way at the Weston Road on a girder bridge to be supplied by the corporation as hereinafter provided, and extending as far east as the westerly limit of the Grand Trunk Railway Company's property, and as nearly parallel with the factory building of the said Wire Mattress Company as is convenient. The corporation hereby agreeing to pay for all the material and labour necessary in the construction and maintenance of said siding and twenty dollars per annum from the date of the completion of the siding until its removal as rental for the lands occupied by it. The material used in the construction of said siding and the girder at the proposed subway at the Weston road, hereinafter referred to, shall be and remain the absolute property of the corporation, who shall have the right to remove the same at their expense at any time upon one month's notice to the company in writing. The company agrees to allow the said siding to remain on its
property

property as above provided, for the term of twenty-one years from its completion, and during that period from time to time, to place cars thereon for the Wire Mattress Company, their successors administrators and assigns, and by them to be loaded and unloaded as may be required for their business. Should the company so desire at the end of said period of twenty-one years, the corporation undertakes to remove the said siding, and every part of it from the company's property at its own expense, said siding to be completed one month after the completion of the subway and bridges in connection therewith, hereinafter provided for at the Weston road. The company will allow the corporation to build and maintain a retaining wall along the south side of a passage which may be made by the corporation from the said subway at the Canada Wire Mattress Company's factory, on a strip of land three feet wide, along the northernmost limit of the company's property, between the Weston road and the westerly boundary of the Grand Trunk Railway Company's property; the corporation agree to properly and thoroughly maintain the said retaining wall for a period of twenty-one (21) years from the date of the completion of the siding above referred to, and thereafter as long as the excavation made for the said passage, or any part of it shall remain, so as to render necessary the support of the company's lands, on or south of the said strip.

7. The company will not at any time discriminate against the town of West Toronto Junction in rates.

8. The property of the company held for railway purposes within the said town shall in respect of the term of ten (10) years from the first day of January, 1890, be exempt from all municipal taxes, rates or assessments, and also from all county, local improvement or other taxes, rates or assessments which by law can now or at any time during the said period be imposed or collected, by or on account of the municipality of the said town, or any part thereof except as is hereinafter excepted in regard to dwellings with the exception of school rates, and as to these the amount upon which they shall be paid during such term shall be the assessment of the company's premises to be made in the present year not including the value of any works to be done under this agreement.

9. The corporation will supply the said company from the waterworks of the said town, all the water required for railway purposes, and for the protection from fire of the railway premises free of cost for the term of ten (10) years from the date hereof, and will keep such works sufficient for that purpose except in case of unavoidable accidents as hereinafter mentioned, and will furnish and maintain all conduit pipes necessary for that purpose, so that such water shall be conducted to the company's lands in said town provided that the water to be so supplied, shall not be taken directly from hydrants except for fire protection, and provided also that the corporation shall not be held liable by the company for failure to supply water as above, if the failure be owing to
unavoidable

unavoidable accident to their waterworks system, and if the consequences of such accident be remedied without delay by the corporation ;

10. The exemption from taxation and the free supply of water provided for above shall not extend to dwellings erected on its lands by the company and rented to tenants or occupied by employees of the said company ;

11. The corporation will construct on Keele Street in said town under the company's railway tracks, a subway with retaining walls on each side of said subway along the whole distance of the company's property, and proper and sufficient approaches thereto, and will make all necessary roads, sidewalks, drains and other things pertaining thereto, and will thereupon cause Keele Street to be legally and effectually closed and discontinued as a highway, and so as to prevent all traffic on the level along said street across the company's right-of-way, a distance of ninety-nine (99) feet said subway shall be excavated across the company's right-of-way at Keele Street for the said distance of ninety-nine (99) feet to such a depth as to permit of the bridges for the Company's track hereinafter provided for being erected and maintained on any portion of the said retaining walls of said subway across the said right of way and at any place or places on the whole of said distance, said retaining walls to be of such design, and strength across the whole of the said distance of ninety-nine (99) feet, as to permit of the bridges or girders above referred to being erected on them readily, and with safety. And the said corporation will provide and erect entirely at their own expense on said retaining walls iron or steel " deck " girders with floor system complete for five tracks or at the company's option an iron or steel webb deck girder bridge with floor system complete sufficiently wide to accommodate five tracks the usual distance apart. The location of said girders or bridges to be within the limit of the company's right-of-way, a distance of ninety-nine (99) feet, and at such place or places as may be decided on by the company's engineer ;

12. The corporation will construct a subway on the Weston Road in said town under the company's railway tracks with retaining walls on each side along the whole distance of the company's property and proper and sufficient approaches thereto, and will make all necessary roads, sidewalks, drains, and other things pertaining thereto, and will thereupon cause the Weston Road to be legally and effectually closed and discontinued as a highway, and so as to prevent all traffic on the level along said Weston road between two lines drawn parallel with the company's present track which crosses the Weston road one line being thirty-three (33) feet north and the other forty-seven (47) feet south measured at right angles from the centre of said main track. Said subway shall be excavated on the Weston road between the said two parallel lines to such a depth as to permit of the bridges for the company's tracks hereinafter

hereinafter provided for being erected and maintained on any portion of the retaining walls of said sub-way and at any place or places between the said two parallel lines. Said retaining walls to be of such design and strength across the whole of the said distance between the said two parallel lines as to permit of the bridges or girders above referred to being erected on them readily and with safety. And that the said corporation will provide and erect entirely at their own expense on said retaining walls iron or steel "deck" girders with floor system complete for the siding to the factory of the Canada Wire Mattress Company hereinbefore provided for if the corporation require said siding to be constructed, also iron or steel "deck" girders with floor system complete for three tracks or at the company's option an iron or steel webb "deck" girder bridge with floor system complete, sufficiently wide to accommodate three tracks the usual distance apart. The location of said girders or bridge to be within the said two parallel lines and at such place or places as may be decided on by the Company's engineer.

13. Should the corporation so elect they shall have the right instead of constructing the subways and bridges at the Weston Road and at Keele Street as aforesaid to substitute at either of such places an overhead iron or steel bridge as is hereinafter specified, in lieu of the subway and bridge for that place as above mentioned, or at its option, overhead iron or steel bridges as are hereinafter specified for both places, in lieu of the two subways and bridges as above mentioned in both instances, or in either instance as the case may be, such overhead iron or steel bridge or bridges to be placed above the company's tracks on the lines of the said highway or highways as the case may be, and the corporation shall thereupon cause the Weston Road and Keele Street, if the overhead bridges be adopted for both, to be closed and discontinued as highways as agreed upon in clauses eleven and twelve, or if the overhead bridge be adopted only in respect of one of them, then the corporation shall cause that one to be closed and discontinued, and if the overhead bridge be adopted for Keele Street it shall be not less than twenty-one feet six inches ($21\frac{1}{6}$ "), clear in height above the tops of the company's rails across the whole of the company's right-of-way at said street, that is for the said distance of ninety-nine (99) feet as aforesaid, and if the overhead bridge be adopted for Weston Road it shall be not less than twenty-one feet six inches ($21\frac{1}{6}$ "), clear in height above the tops of the company's rails for the whole distance between the said two parallel lines. In the event of the corporation electing to build an overhead bridge at the Weston Road in lieu of the subway referred to, nothing in this agreement shall be construed as binding the company in any way to put in a siding to the Canada Wire Mattress Company's factory upon the terms hereinbefore provided, but in that case the company will put in a siding to the Canada Wire Mattress Company's factory if required to do so by the corporation

corporation upon the same terms as provided for in respect of the Hess and Heintzman factories in clause five of this agreement.

14. The company will allow the retaining walls of the two subways referred to or of either of them in case only one be adopted to be built on its property and to this extent only shall the company's lands be utilized for the said subways. In the event however of the corporation electing to build an overhead bridge in lieu of one or overhead bridges in lieu of both of the subways hereinbefore referred to nothing in this agreement shall be held to give it the right to occupy with such overhead bridges or either of them or the supports of them or either of them or any part of them or either of them any portion whatever of the company's land and it will abstain from occupying for that purpose any part of the Weston road between the said two parallel lines or any part of Keele street, for the said distance of ninety-nine feet and the company shall have the free use of the said portion of the Weston road and of Keele street, the corporation using only land outside those limits for the supports of the said overhead bridges or either of them. The company however is not to make any claim against the corporation for damages by reason of the construction as herein provided of the said subways or overhead bridges.

15. The corporation will maintain the retaining walls and bridge sub-structures, and all roads, sidewalks, drains and other things pertaining to the highway, both at Weston road and at Keele street for all time; the company to maintain the bridges provided for the tracks at the two subways referred to except the most northerly girders at the Weston road subway which may be provided for the siding to the Wire Mattress Company's factory, such northerly girders if they be provided to be always maintained by the corporation. In the event of the corporation electing to construct overhead bridges at one or both of said highways, it agrees that the construction and maintenance for all time of the same and of all approaches thereto, and of the highway, sidewalks, etc., over the same shall be entirely at the expense of the corporation, and the corporation will indemnify the company against all claims in respect of any such maintenance or arising out of the insufficiency of such maintenance.

16. The bridges at the two subways referred to and their sub-structures and the retaining walls along the company's property are to be built subject in design, material, workmanship and construction to the approval of the company's engineer, and in accordance with the plans and specifications prepared or to be prepared in conformity with this agreement and identified by the signatures of the parties hereto. The temporary support for the company's track at the Weston road and at Keele street during the construction of said subways and such temporary support for the overhead bridges as may be required in their construction shall be provided by the corporation

poration, and the design, material and the work and labor shall be subject to the approval and inspection of the company's engineer. The company agrees however that if such design and materials and work and labor shall be so provided according to the approval of the company's engineer, then the corporation shall be relieved of all responsibility for damages which may at any time occur to the company's property, consequent upon any defect or any insufficiency in the design, the material, the workmanship, the labor or the construction which shall have been so approved of in any of such temporary supports. The company further agrees that if the subways sub-structures and bridges in connection therewith be in accordance with the design, material and workmanship and construction approved of by the company's engineer, and be so found by the company's engineer, or by a referee appointed as hereinafter provided, then the corporation shall be relieved of all responsibility for damages which may at any time occur to the company's property consequent upon any defect or insufficiency in the said subways substructures and bridges, and undertakes to save the corporation harmless from any and all responsibility for damages, for accident to freight, or to passengers or employees of the company or other persons using said company's lines consequent upon any such defect or insufficiency in the said supports or in the said subways, bridges, over subways and retaining walls. And the corporation hereby agree to relieve the company for all time from all responsibility in respect of the use and maintenance of the overhead bridges above referred to and each of them, and to indemnify the company in respect of any claim growing out of any insufficient maintenance of the same, and further that the safe and continuous operation of the company's railway is not to be in any way interfered with during or by reason of the construction of the said subways and bridges in connection therewith or by reason of the construction of the overhead bridges referred to or of any of them. And if the said overhead bridges be insufficient in design, material or workmanship the corporation will pay the company such damage if any as it may suffer on account of such insufficiency.

17. The corporation hereby undertake to save the said company harmless and indemnified in respect of any liability to construct and maintain sufficient approaches to the said subways, and the said overhead bridges and good roads along the same and all drains, sidewalks and other things pertaining thereto and against any claims for damage of any kind whatsoever which may be made in connection with the said subways or overhead bridges or any of them, or the construction maintenance or use thereof or of any of them except such responsibility or claims for damages as the corporation is relieved from under clause nine (9) of this agreement. The corporation also hereby agree to save the company harmless from any and all claims whatsoever consequent upon the closing up of the Weston road or of Keele street or of both of them as highways across

across the company's property on the level as provided in clauses eleven, twelve and thirteen of this agreement.

18. The corporation agrees to complete, in accordance with this agreement, the subways and bridges in connection therewith, or in lieu thereof the overhead bridges at the Weston road and at Keele street, and to cause the said streets to be closed and discontinued for highway traffic, as hereinbefore provided, before the end of the year eighteen hundred and ninety-one (1891), and to indemnify the company against any claim or claims which may arise in consequence of the corporation failing to fulfil this covenant.

19. The company is to transport on its railway the stone required and actually used in the construction of the subways or overhead bridges referred to, and shipped from quarries on the company's lines at the rate of one cent per ton per mile.

20. The execution of these presents by the corporation is conditional upon the owners of property affected executing agreements as to damages and a private Act being obtained ratifying the subway by-law and this agreement.

21. In case of disagreement between the company's engineer and the engineer of the corporation on the question whether any of the work and materials to be furnished by the corporation under this agreement has or has not been furnished according to the terms hereof, the same and any other matter arising out of this agreement, except as hereinafter excepted, shall be referred to a consulting engineer to be agreed upon by the parties, or, in default of such agreement, to an engineer to be appointed by a judge of the High Court of Justice, and the decision of such referee shall be binding on both parties, except, however, that the propriety of the design, material, workmanship and construction of any of the said works approved by the company's engineer and to be furnished or done by the corporation shall not be the subject of reference, but only the question whether or not the works as done are in accordance with the requirements so approved of by the company's engineer.

In witness whereof the corporation has hereto caused to be affixed its corporate seal and the hands of its mayor and clerk, and the company has hereto caused to be affixed its corporate seal and the hands of its president and secretary.

The Municipal Corporation of the Town of
West Toronto Junction :

GEORGE D. St. LEGER, *Mayor*.
ROBT. G. LEIGH, *Clerk*.

The Canadian Pacific Railway Company :

W. C. VAN HORNE, *President*.
C. DRINKWATER, *Secretary*.

CHAPTER 111.

An Act to change the name of the Village of West Winchester, to that of Winchester.

[Assented to 7th April, 1890.]

WHEREAS the corporation of the village of West Winchester, in the county of Dundas has, by its petition, prayed that the name of the village of West Winchester be changed to that of Winchester, and has by the said petition set forth that the said name of West Winchester was adopted at a time when there was a post-office a few miles to the east called Winchester, but which has since been changed to Chesterville; that the station of the Canadian Pacific Railway at said village is called Winchester; and that the said name West Winchester is unnecessarily long, and has no local or geographical signification; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of the corporation of the said village of West Winchester is hereby changed from that of the village of West Winchester to that of the village of Winchester, and the corporate name of the said village is hereby declared to be, "The Corporation of the Village of Winchester."

2. Nothing in this Act contained, shall in any way affect the validity of any by-law of the said corporation of the village of West Winchester, or of any debts, debentures, or other obligations of the said corporation, and all rights, powers, debts, duties and obligations of the said corporation of the village of West Winchester shall be vested in, assumed by, and be and remain the rights, powers, debts, duties and obligations of the said corporation of the village of Winchester.

CHAPTER 112.

An Act respecting certain allowances for roads in the Township of Winchester.

[Assented to 7th April, 1890.]

WHEREAS the corporation of the township of Winchester, in the county of Dundas, have by their petition represented that the township was originally surveyed in or about the year 1798; that the said township was surveyed into lots containing

containing two hundred and four acres net each; that said lots have been patented as two hundred acres net each; that in the said original survey of said township, an allowance for road of one chain in width was left on the south side of each alternate concession line only, commencing with the first concession; that, until lately, the said corporation always understood and believed that an allowance for road of one chain in width had been left on the south side of each concession line in said township, by said original survey; that, under these circumstances, and acting in good faith, they caused to be opened up and constructed public highways on portions of what they so believed to be road allowances; but which were not road allowances by said original survey; that it would be of importance to the inhabitants of said township that allowances for roads on the south side of all the said concession lines should exist beyond all doubt or question, and that the said corporation should be freed from all apprehension of legal proceedings being taken against them for causing the said public highways to be opened up and improved; that, unless the said highways be opened up throughout their entire length, many settlers in said township will be without any public highway or allowance for road to reach their lands, and such portions of the said highways as have been opened up may be closed by the owners of the adjoining lands and very great trouble and inconvenience occasioned to the inhabitants of said township and the councils thereof, and have prayed that an Act might be passed enacting that in the said township there shall be an allowance for road, one chain in width, left upon the south side of each of said concession lines where no allowance for road was so left by said original survey; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Road allowances on certain concession lines.

1. In the township of Winchester, in the county of Dundas there shall be an allowance for road of one chain in width upon the south side of each of the concession lines in the said original survey of the said township, lying and being between the first and second, third and fourth, fifth and sixth, seventh and eighth, ninth and tenth, and eleventh and twelfth concessions of said township.

Compensation to owners of adjacent lands.

2. The said corporation shall make compensation to the owners of the lands adjacent to or constituting such roads as shall be opened under the provisions of this Act, for so much land only so taken for said road allowances as may in any case reduce the area of the lot from which the land is taken, to less than two hundred acres or below the basis of two hundred acres for each original full lot, and to the extent only of such reduction

reduction ; and in all cases for all improvements made by them or any one under whom they claim title, before the passing of this Act, upon the roads hereby provided for; the amount of such compensation to be determined by arbitration under the provisions of *The Municipal Act*. Rev. Stat.
c. 184.

3. The costs of all such measurements as shall be necessary to determine the area mentioned in the preceding section hereof shall be paid by the said corporation. Cost of
measurements

CHAPTER 113.

An Act to amend the Act Incorporating the Amherstburg, Lake Shore and Blenheim Railway Company.

[Assented to 7th April, 1890.]

WHEREAS the Amherstburg, Lake Shore and Blenheim Railway Company have, by their petition, prayed that the Act passed in the 52nd year of Her Majesty's reign, chapter 78, be amended so as to enable the said company to extend their railway to the town of Simcoe, in the county of Norfolk, and for certain other amendments to facilitate the construction of said railway; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 2 of the *Act to incorporate the Amherstburg, Lake Shore and Blenheim Railway Company*, is repealed and the following substituted therefor :— 52 V. c. 78, s.
2 repealed.

2. The said company hereby incorporated and their agents or servants shall have full power and authority under this Act to lay out and construct and finish a double or single iron or steel railway from some point at or near the town of Amherstburg, in the county of Essex, to a point at or near the unincorporated village of Harrow, and south of the fourth concession of the township of Colchester South; thence to the village of Kingsville, in the township of Gosfield South; thence to the village of Leamington, in the township of Mersea; thence to the unincorporated village of Wheatley, in the townships of Mersea and Romney, by a course south of the eighth concession of the said township of Mersea; thence to a point at or south of the town of Blenheim, in the township of Harwich, in the county of Kent; thence to a point at or south of Wallacetown, in the township of Dunwich, in the county of Elgin; thence to

a point at or south of Luton, in the township of Malahide, in said county of Elgin; and thence to a point at or south of the town of Simcoe, in the county of Norfolk; and also from some point at or near the said town of Amherstburg, to the town of Sandwich, by a course west of the third concession of the township of Anderdon; and thence to a point at or near the town of Windsor, in the county of Essex.

52 V. c. 78, s.
1 amended.

Name of
company.

2. That portion of section 1 of the said Act relating to the name of the said railway company is hereby repealed and hereafter the name of the company shall be "The Lake Erie and Detroit River Railway Company" and the same shall be substituted for "The Amherstburg, Lake Shore and Blenheim Railway Company" wherever such name occurs in the Act incorporating the said company and in the schedules appended thereto.

Extension of
time for
commence-
ment and
completion of
work.

3. The time for commencing the said railway is hereby further extended for three years, and the time for the completion thereof is further extended for seven years from the passing of this Act.

CHAPTER 114.

An Act to Incorporate the Aylmer and Port Burwell Railway Company of Canada.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the persons hereinafter named and others have petitioned for incorporation as a company to construct, equip and operate a railway from Port Burwell in the township of Bayham, passing through or near the village of Vienna, and through the town of Aylmer to some point in the township of North Dorchester, or in the township of North Oxford; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. William Youell Emery of Port Burwell, merchant, David Marshall of Aylmer, merchant, George I. Walker of Aylmer, commission merchant, F. A. Ashbaugh of Aylmer, grocer, S. S. Clutton, of Vienna, woollen manufacturer, J. H. Teal of Vienna, esquire, William E. Smith of Malahide, yeoman, William Warnock, jun., of Aylmer, banker, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic

politic under the name of "The Aylmer and Port Burwell Railway Company of Canada," hereinafter called the company.

2. The several clauses of *The Railway Act of Ontario*, and every Act in amendment thereof, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said railway Act, and of every Act in amendment thereof so incorporated with this Act. Railway Act to apply.

3. The company hereby incorporated and their servants and agents, shall have full power under this Act to construct, equip and operate a railway with all its stations, sidings, telegraph and accessories, from Port Burwell in the township of Bayham, in the county of Elgin, passing through or near the village of Vienna in the said county, and through the town of Aylmer, in the said county, to some point in the township of North Dorchester, in the county of Middlesex, or in the township of North Oxford, in the county of Oxford. Location of line.

4. The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

5. From and after the passing of this Act, the said William Youell Emery, David Marshall, George I. Walker, F. A. Ashbaugh, S. S. Clutton, J. H. Teal, William E. Smith and William Warnock, jun., with power to add to their number shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until the first election of directors under this Act. Provisional directors.

6. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock and to sue for and recover the same, and to cause plans and surveys to be made and to receive for the company, any grant, loan, bonus, or gift, made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion Powers of provisional directors.
Rev. Stat. c. 170.

portion, or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the town of Aylmer or at such other place as may best suit the interests of the said company.

Capital stock.

Rev. Stat. c.
170.

Municipal
aid for preli-
minary ex-
penses.

7. The capital stock of the company shall be \$325,000, with power to increase the same in the manner provided by *The Railway Act of Ontario*, to be divided into 6,500 shares of \$50 each and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised and paid into the company, shall be applied in the first place to the payment of all costs, charges and expenses of and incidental to the obtaining of this Act, or in promoting the undertaking, and of all expenses for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment, completion and the operating of the said railway, and the other purposes of this Act, and to no other purpose whatever, and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works, may by resolution, of which ten days previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company or be allowed to it in payment of stock.

First meet-
ing for the
election of
directors.

8. When, and so soon as shares to the amount of \$50,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the subscribers for the purpose of electing directors, giving at least four weeks notice in one paper published in the county of Elgin, and in the *Ontario Gazette* of the time, place and object of such meeting, and at such general meeting the shareholders then present either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons

persons to be directors of the company, in manner and qualified as hereinafter directed, which said directors shall constitute a board of directors and shall hold office until the next general annual meeting, and may also make and pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

9. In case the provisional directors neglect to call a meeting for the space of two months after \$50,000 of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers collectively for not less than \$5,000 of the capital stock, and who have paid up all calls thereon, provided that such meeting is called in the manner in the next preceding section set forth.

Provision in case directors neglect to call meeting.

10. Thereafter the general annual meeting of the shareholders of the company shall be held in such place in the town of Aylmer or at such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the County of Elgin, during the four weeks preceding the week in which such meeting is to be held.

Annual meeting.

11. Special general meetings of the shareholders of the company may be held at such place in the town of Aylmer or at such other place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in section 10 of this Act.

Special general meetings.

12. In the election of directors under this Act no person shall be elected a director unless he shall be a holder and owner of at least ten shares of the stock of the company, upon which all calls have been paid up.

Qualification of directors.

13. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Rights of aliens.

14. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share so held.

Scale of votes.

15. At all meetings of the shareholders of the company the stock held by municipal and other corporations may be represented by such persons as they shall have respectively appointed in

Corporations how represented.

in that behalf by resolution under the seal of the corporation, and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Quorum of directors.

16. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, a majority of the directors shall form a quorum for the transaction of business.

Calls.

17. Calls on the subscribed capital of the company may be made by the directors for the time being as they shall see fit; provided that no calls shall be made at any one time for more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month, and notice of each call shall be given as provided in section 10 of this Act.

Transfer of shares.

18. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Form of conveyances.

19. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Aid to company.

20. The company may receive from any government, or from any persons or bodies corporate municipal or politic who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures, or other securities for money or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

21. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which

which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan or by the guarantee of the municipal corporation under and subject to the provisions herein contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Proviso.

22. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:— Provisions as to bonus by-laws.

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto. Rev. Stat. c. 184.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid. Rev. Stat. c. 184.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

23. Such by-law shall in each instance provide—

Provisions of by-law.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to

to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

- (3) In the case of guarantee, the by-law shall provide for the due application of the amount to be raised for the purposes thereof, and for assessing and levying upon all ratable property lying within the municipality, minor municipality or portion of the township municipality defined by the said by-law (as the case may be) an annual special rate sufficient to pay from time to time the sum guaranteed, and to include a sinking fund in the case of the principal of the debentures of the company being guaranteed for a period not exceeding twenty years, which guarantee the respective municipal councils, wardens, mayors, reeves or other officers are hereby authorized to execute.

Disputes as to bonus by-laws to be referred to arbitration.

24. In the case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Minor municipality, meaning of.

25. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

26. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit for expenses.

27. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

If by-law carried council to pass same.

28. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed or to be appointed under this Act.

And issue debentures

29. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Levying rate on portions of municipality.

30. The provisions of the *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Municipal Act to apply to by-law.

31. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

Extension of time for commencement.

32. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extension of time for completion.

33. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of said municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual

Rate not exceeding three cents in the dollar valid.

annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Exemption
from taxation.

34. It shall further be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situated, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Grants of land.

35. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds, or for other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Trustees of
debentures.

36. Whenever any municipality or portion of a township railway company shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses or in case of only one municipality granting a bonus then by the head of such municipality, all the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities or head of the said municipality shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the said company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust or goes to live out of the Province of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

37. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank, having an office in the town of Aylmer, in the name of "The Aylmer and Port Burwell Railway Company of Canada Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Trusts of proceeds of debentures.

38. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to Trustees.

39. It shall and may be lawful for any municipality through which the said railway passes and having jurisdiction in the premises to pass a by-law or by-laws, empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession of or under the control of any joint stock company, and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Right to use highways.

40. The company may also construct a telephone line and an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telephone and telegraph lines, the powers conferred upon telegraph companies by the *Act respecting Electric Telegraph Companies*, Chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

Telegraph and telephone lines.

Rev. Stat. c. 138.

41. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals, for the construction or equipment of the line or of any railway.

Power to contract for construction and equipment of any railway.

Proviso.

any portion thereof including or excluding the purchase of the right of way, and to pay therefor in cash or bonds or in paid up stock or otherwise as may be deemed expedient, provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially called to consider the same.

Agreements
with other
companies.

42. It shall be lawful for the company to enter into any agreement with the Canada Southern Railway Company or the Canadian Pacific Railway Company or the Credit Valley Railway Company if lawfully empowered to enter into such agreement, for leasing to them the said railway or any part thereof, and it shall further be lawful for the company to enter into any agreement with the Canada Southern Railway Company or the Canadian Pacific Railway Company or the Credit Valley Railway Company, if so lawfully authorized for the working of the said railway, or for running powers over the same on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies any portion of the railway or the use thereof, and generally to make any agreement or agreements with either of the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway, or the rolling stock of either, or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company or companies leasing or entering into such agreement for the using the said line, may, and is hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise so far as the same are applicable, all the rights, powers and privileges by this Act conferred; provided that every such lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same, according to the by-laws of the company, and the provisions of this Act by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which are not within the legislative authority of this Province.

Proviso.

Agreements
for the use of
rolling stock,
etc.

43. It shall be lawful for the directors of the company to enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring or the use of any locomotives, carriages, rolling stock and other movable property, from such persons or companies, for such time or times and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of
the

the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

44. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory note or bill of exchange made, accepted, or endorsed by the president or vice-president of the company and countersigned by the treasurer of the said company, and under the authority of a quorum of the directors shall be binding on the company, and every such promissory note and bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Negotiable
instruments.

Proviso.

45. The directors of the company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the company and countersigned by the secretary, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, pro rata, with all the other holders thereof upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$20,000 per mile; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Issue o.
bonds.

Proviso.

Proviso.

Proviso.

Form of
bonds.

46. All such bonds, debentures and other securities and coupons and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name, and all such bonds, debentures and other securities and coupons and interest warrants thereon, respectively, may be made payable in lawful money of Canada, or in sterling money of Great Britain, at some place in Canada, or London, England, or in the city of New York, in the state of New York, or at all or any of such places.

Power to col-
lect back
charges on
goods.

47. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession, and shall be subrogated by such payments in all the rights and remedies of such persons for such charges.

Power to
mortgage
bonds.

48. The company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds or debentures which under the powers of this Act can be issued, for the construction of the railway or otherwise.

Power to pur-
chase land for
docks, etc.

49 The company shall have full power to construct and erect docks, stations, workshops and offices, and to purchase lands for such purposes, and to sell and convey such land as may be found superfluous for any such purpose, and shall have power to construct, purchase, charter and navigate steamers, vessels and other watercraft on Lake Erie or any other inland navigable waters in Canada, for the purpose of traffic in connection with the said railway.

Power to
make certain
payments in
stock.

50. The said provisional directors or the elected directors may pay or agree to pay in paid up stock or in the bonds of the company, such sums as they may deem expedient, to engineers or contractors, or for the right of way or material, plant or rolling stock, and also when sanctioned by a vote of the majority of shareholders present at any general meeting, for the services of promoters or other persons who may be employed by the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any such agreements so made shall be binding on the company.

Power to con-
struct railway
in sections.

51. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which

which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and amendments thereto, with respect to "plans and surveys" by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of *The Railway Act of Ontario*, and the amendments thereto, applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway, had been taken, made, examined, certified and deposited according to the said clauses of the said *The Railway Act of Ontario*, and the amendments thereof, with respect to "plans and surveys."

Rev. Stat., c. 170.

Rev. Stat. c. 170.

Rev. Stat. c. 170.

52. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situated, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of acquiring the roadway, and the notice of the arbitration, the award and tender of compensation shall have the same effect as in case of arbitration for the roadway: and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining of materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc.

Rev. Stat. c. 170.

53. When said gravel, stone, sand, or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any land which may intervene between

Sidings to gravel pits

Rev. Stat. c.
170.

between the railway and the lands on which the said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the lands on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

(2). When estimating the damages for the taking of gravel, stone or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Commence-
ment and com-
pletion of rail-
way.

54. The construction of the said railway shall be commenced within three years, and the same shall be completed within five years after the passing of this Act.

Power to pur-
chase whole
lots.

55. Wherever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any parcel or lot of land, over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat
c. 170.

SCHEDULE A.

(Section 19.)

FORM OF CONVEYANCE.

Know all men by these presents, that I, (or we), [*insert the names of the vendors*] in consideration of dollars, paid to me (or us) by the Aylmer and Port Burwell Railway Company of Canada, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I, (or we), [*insert the name of any other party or parties*] in consideration of dollars, paid to me, (or us), by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain, (or those certain parcels, *as the case may be*), of land, [*describe the land*], the same having been selected and laid out by the said Company, for the purposes of their rail-
way,

way, to hold with the appurtenances unto the said Aylmer and Port Burwell Railway Company of Canada, their successors and assigns, forever [*here insert any other clauses, covenants and conditions required,*] and I, (or we), the wife, (or wives), of the said , do hereby bar my, (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of , A.D. 189 .

Signed, sealed, and delivered }
in the presence of } [L.S.]

SCHEDULE B.

(Section 37.)

No. CHIEF ENGINEER'S CERTIFICATE. A.D. 18

The Aylmer and Port Burwell Railway Company of Canada's office.

ENGINEER'S DEPARTMENT.

Certificate to be attached to cheques drawn on the Aylmer and Port Burwell Railway Company of Canada's Municipal Trust Account, given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B. , chief engineer of the Aylmer and Port Burwell Railway Company of Canada, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of , (or under the agreement dated the day of , between the corporation of and the said company), to entitle the said company to receive from the said trust the sum of dollars. (*Here set out the terms and conditions, if any, which have been fulfilled.*)

CHAPTER 115.

An Act to Incorporate the Arthur, Guelph and Ontario Railway Company.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS John Anderson and Anthony Buschlen, of the village of Arthur, Richard Doyle of the township of Arthur, John McNabb, of the township of West Luther, and Frederick Jasper Chadwick, of the city of Guelph, have by their petition represented that it is desirable that a railway be constructed from a point at or near the village of Arthur, in the county of Wellington, to the city of Guelph, in the said county, and thence to the city of Hamilton, in the county of Wentworth, and have prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. John Anderson and Anthony Buschlen, of the village of Arthur, Richard Doyle, of the township of Arthur, John McNabb, of the township of West Luther, and Frederick Jasper Chadwick, of the city of Guelph, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be, and are hereby constituted a body corporate and politic, by the name of "The Arthur, Guelph and Ontario Railway Company."

Location of line.

2. The said company shall have full power and authority to survey, lay out, construct, complete, equip and operate a single or double line of railway, from a point at or near the village of Arthur in the county of Wellington, thence, by a course through any or either of the townships of Garafraxa, Peel, Nichol and Guelph, to the city of Guelph, thence to a point at or near the unincorporated village of Morriston, in the township of Puslinch, thence to a point at or near Shaw's Station on the line of the Canadian Pacific Railway, and thence to the city of Hamilton.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional Directors.

4. John Anderson and Anthony Buschlen, of the village of Arthur, Richard Doyle, of the township of Arthur, John McNabb, of the township of West Luther, and Frederick Jasper

Jasper Chadwick, of the city of Guelph, with power to add to their numbers, shall be, and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

5. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the said village of Arthur, or at such other place as may best suit the interest of the said company.

Powers of
provisional
directors.

Rev. Stat.,
c. 170.

6. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of con-
veyance.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions
not binding
until approved
and ten per
cent. paid.

8.

Aid to com-
pany.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat.,
c. 170.

9. The capital stock of the company hereby incorporated shall be \$250,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into two thousand five hundred shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First election
of directors.

10. When and as soon as shares to the amount of \$50,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon, into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the village of Arthur, in the said county of Wellington, of the time, place and purpose of the said meeting.

Number of
directors and
quorum.

11. At such general meeting, the shareholders present who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect five persons as herein-after mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules,
regulations

regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act* Rev. Stat., c. 170.
of Ontario.

12. No person shall be qualified to be elected as such Qualification of directors.
 director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

13. The directors may, from time to time, make calls Calls.
 they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 15 of this Act.

14. The provisional directors, or the elected directors, may Certain payments may be made in stock or bonds.
 pay, or agree to pay, in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the said village of Arthur or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said village of Arthur during the four weeks preceding the week in which such meeting is to be held. Annual meetings.

16. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section. Special meetings.

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always, that such aid Aid from municipalities.
 shall Providso.

shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified rate-payers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid, by way of bonuses, to railways.

Provisions as
to bonus by-
laws.

18. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters;

Rev. Stat.,
c. 184.

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto;

Rev. Stat.,
c. 184.

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto, as aforesaid;

4. In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what
to contain.

19. Such by-law shall in each instance provide:—

1. For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

2. For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases, respectively.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law, so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Provisions for referring to arbitration disputes as to bonus by-laws.

21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

"Minor municipality" meaning of.

22. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit for expenses.

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

If by-law carried, council to pass same.

24. Within one month after the passing of such by-law, the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

And issue debentures.

25. In case any such loan, guarantee, or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Levying rate on portions of a municipality.

Application of
Municipal
Acts as to
by-laws.

26. The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of
time for com-
mencement.

27. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Extension of
time for com-
pletion.

28. It shall and may be lawful for the council of any municipality that may grant aid, by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not
exceeding
three cents in
the dollar,
valid.

29. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Exemption
from taxation.

30. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of
land.

31. Any municipality through which the said railway may pass, or is situate, is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said
railway

railway company shall have power to accept gifts of land from any government, or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

32. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

Rev. Stat., c. 170.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc., for construction and maintenance of railway.

Rev. Stat. c. 170.

34—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and

Sidings to gravel pits.

Rev. Stat., c. 170.

the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Trustees of
debentures.

35. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of pro-
ceeds of
debentures.

36. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Arthur, Guelph and Ontario Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees, for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

37. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

38. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the other holders thereof upon the undertaking and property of the company as aforesaid: Issue of bonds.
 Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$20,000 per mile, and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provido.
 Provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. Provido.

39. All such bonds, debentures, and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. Transfer of bonds.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill of exchange made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the Negotiable instruments.

Proviso.

the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Pledging bonds.

41. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements with other companies.

42. It shall be lawful for the directors of the company to enter into agreement with any company or companies—if lawfully authorized to enter into such an agreement—person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on; and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use, by one or more of such contracting companies, of the locomotives, carriages, rolling stock, and other movable property of the other or others of them, on such terms, as to compensation and otherwise, as may be agreed upon.

Agreements with other railway companies.

43. The said company shall have power to agree for connections, and make running arrangements with the Canadian Pacific Railway Company or the Grand Trunk Railway Company of Canada, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with either or both of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of their railway or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of both or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

44. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* (being chapter 158 of the Revised Statutes of Ontario, 1887,) are hereby conferred upon the said company.

Telegraph lines.

45. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Rights of aliens

46. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates, issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of shares.

47. The company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops, and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to hold additional property.

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to collect back charges on goods.

49. The said railway shall be commenced within three years, and completed within six years from the passing of this Act.

Commencement and completion of railway.

50. The directors of the said company may enter into a contract or contracts with any individual, or association of individuals, for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds, or in paid-up stock; Provided that no such

Power to contract for construction and equipment of line.

Proviso.

such contract shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Power to build
railway by
sections

Rev. Stat.
c. 170.

51. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor as far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every one of the clauses of the said *Railway Act* and the amendments thereof, applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

Rev. Stat. c.
170, incorpor-
ated.

52 The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act*, and of every Act in amendment thereof, so incorporated with this Act.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by the Arthur, Guelph and Ontario Railway Company, the receipt whereof is hereby acknowledged,

acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel or those certain parcels) (*as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Arthur, Guelph and Ontario Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) and (or we) the wife (or wives) of the said
do hereby bar my (or our) dower in the said lands

As witness my (or our) hand and seal (or hands and seals)
this day of A.D. 18

Signed, sealed and delivered }
in presence of } [L.S.]

SCHEDULE B.

(Section 36).

Chief Engineer's Certificate.

THE ARTHUR, GUELPH AND ONTARIO RAILWAY COMPANY'S
OFFICE.

No. Engineer's Department, A.D. 18

Certificate to be attached to cheques drawn on the Arthur Guelph and Ontario Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer of the Arthur, Guelph and Ontario Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*)

CHAPTER 116.

An Act to incorporate the Dunnville, Attercliffe and Smithville Railway Company.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS George A. McCallum, Stephen Haney, Francis R. Lalor, W. D. Swayze and John S. Brown, of the village of Dunnville, in the county of Haldimand, Richard Hicks, of the township of Moulton, in said county, and Hugh Crawford, of the township of Canboro, in the said county, have by their petition, represented that it is desirable that a railway be constructed from the village of Dunnville, in the county of Haldimand, through the township of Moulton, in said county, to Attercliffe station, on the line of the Canada Southern railway, and across said railway, at or near that point, and through the township of Canboro, in the county of Haldimand, and through the township of Gainsboro', in the county of Lincoln, to the village of Smithville, in said county; and have prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. George A. McCallum, Stephen Haney, Francis R. Lalor, W. D. Swayze, John S. Brown, Richard Hicks and Hugh Crawford hereinbefore mentioned, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of "The Dunnville, Attercliffe and Smithville Railway Company."

Location of line.

2. The said company shall have full power and authority to survey, lay out, construct, complete, equip and operate a single or double line of railway, from a point in the village of Dunnville, in the county of Haldimand, through the township of Moulton, in said county, to or near Attercliffe station, on the line of the Canada Southern railway, and crossing said Canada Southern railway, thence through the township of Canboro, in the county of Haldimand, and the township of Gainsboro', in the county of Lincoln, to a point in the village of Smithville, in said last named county.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

4. The said George A. McCallum, Stephen Haney, Francis R. Lalor, W. D. Swayze, John S. Brown, Richard Hicks and Hugh Crawford, with power to add to their number, shall be and are hereby constituted a board of provisional directors of said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act. Provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and receive payments on account of the stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same, and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus, or gift, made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. Powers of provisional directors.
Rev. Stat. c. 170. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking, under the provisions of this Act; and if, at any time, a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held in the village of Dunnville, or at such other place as may best suit the interest of the said company.

6. Conveyances of land to the said company for the purposes of this Act, made in the form set forth in schedule A to this Act, or to the like effect, shall be sufficient conveyance to said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution, as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. Form of conveyance.

Subscriptions
not binding
till approved
and ten per
cent. paid.

7. No subscription for stock in the capital of the company shall be binding on the said company, unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to com-
pany.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat. c.
170.

9. The capital stock of the company hereby incorporated, shall be \$150,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 1,500 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works, may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality, from the capital stock of the said company, or be allowed to it in payment of stock.

First election
of directors.

10. When and so soon as shares to the amount of \$100,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the village of Dunnville in the county of Haldimand, and in the city of St. Catharines, in the county of Lincoln, of the time, place and purpose of said meeting.

11. At such general meeting the shareholders present, who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect five persons as herein-after mentioned, to be directors of the said company, (of whom a majority shall be a quorum,) and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*. Number of directors and quorum. Rev. Stat. c. 170.

12. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon. Qualifications of directors.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 15 of this Act. Calls.

14. The provisional directors, or the elected directors, may pay, or agree to pay, in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers and contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors, or not, and any agreement so made shall be binding on the company. Certain payments may be made in stock or bonds.

15. Thereafter the annual general meeting of the shareholders of the said company shall be held in the said village of Dunnville, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the village of Dunnville, and in the city of St. Catharines, during the four weeks preceding the week in which such meeting is to be held. Annual meeting.

16. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section. Special meetings.

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which Aid from municipalities.

Proviso.

which the railway, or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Provisions as to bonus by-laws.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way, and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

Rev. Stat. c. 184.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat. c. 184.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what to contain.

19. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality, as the case may be, mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law, as the case may be, an annual special rate, sufficient to include a sinking fund, for the repayment of the said debentures within twenty years, with

with interest thereon, payable yearly, or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities, or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expenses of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county, as the arbitrators may order.

Provisions for referring to arbitration disputes as to bonus by-laws.

21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.

"Minor municipality," meaning of,

22. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit for expenses.

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then, within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

If by-law carried council to pass same,

24. Within one month after the passing of such by-law, the said council, and the mayor, warden, reeve, or other head or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act.

And issue debentures.

Levying rate on portion of a municipality.

25. In case any such loan, guarantee, or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of municipal acts as to by-laws.

26. The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement.

27. The councils for all corporations that may grant aid by way of bonus to the said company, may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law, or by-laws, granting such aid from time to time; provided, that no such extension shall be for a longer period than one year.

Extension of time for completion.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works, (on the completion of which the said company would be entitled to such bonus,) from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not exceeding three cents in the dollar valid.

29. Any municipality or portion of a township municipality interested in the construction of the road of the said company, may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided, that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Proviso.

Exemption from taxation.

30. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

31. Any municipality through which the said railway may pass, or is situate, is empowered to grant, by way of gift, to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person, or body corporate or politic; and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of land.

32. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway; and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

Rev. Stat. c. 170.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc., for construction and maintenance of railway.

Rev. Stat. c. 170.

34.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the

Sidings to gravel pits.

Rev. Stat. c.
170.

the railway and the lands on which said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act except such as relate to filing plans and publications of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section, may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Rev. Stat. c.
170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Trustees of
debentures.

35. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council; and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of pro-
ceeds of debentures.

36. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale, in some chartered bank having an office in the Province of Ontario, in the name of "The Dunnville, Attercliffe and Smithville Railway Municipal Trust Account," and to pay the same out to the said company from time to time, as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus

bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque, or order, drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate, under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

37. The trustees shall be entitled to their reasonable fees Fees to trustees. and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

38. The directors of the said company, after the sanction Issue of bonds, of the shareholders shall have first been obtained, at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$11,000 per mile; and provided, that in the event at any time of the interest upon Proviso. the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided further, that the bonds and any trans- Proviso. fers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

39. All such bonds, debentures, and other securities, and Transfer of bonds. coupons, and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

40. The said company shall have power and authority to Negotiable instruments. become parties to promissory notes and bills of exchange, for sums of not less than \$100, and any such promissory note or bill

bill made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president, or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Pledging
bonds.

41. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue, for the construction of the said railway.

Agreements
with other
companies.

42. It shall be lawful for the directors of the company to enter into agreement with any company or companies—if lawfully authorized to enter into such agreement—person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock, and other movable property from such companies or persons for such time or times, and on such terms as may be agreed on; and also to enter into agreement with any railway company, or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock, and other movable property of the other, or others of them, on such terms as to compensation and otherwise, as may be agreed upon.

Agreement
with other
companies.

43. The said company shall have power to agree for connections, and make running arrangements with the Canada Southern Railway Company, the Michigan Central Railway Company, or the Toronto, Hamilton and Buffalo Railway Company, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with either of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale, or leasing, or hiring of any portion of their railway, or the use thereof, or for the sale, or leasing, or hiring any locomotives, tenders, plant or rolling stock, or other property, of either, or of both, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agree-

ments

ments shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy, at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding, according to the terms and tenor thereof; and the company purchasing, leasing, or entering into such an agreement for using the said railway, may, and are hereby authorized, to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

44. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company. Telegraph and telephone lines.

45. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. Rights of aliens.

46. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock, or scrip certificates issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

47. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway. Power to hold additional property.

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Power to collect back charges on goods.

Railway Act
incorporated.

49. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commence-
ment and com-
pletion of rail-
way.

50. The said railway shall be commenced within three years, and completed within six years from the passing of this Act.

SCHEDULE A

(Section 6.)

Know all men by these presents, that I, (or we,) [*insert the name of the vendors*], in consideration of _____ dollars paid to me, (or us,) by the Dunnville, Attercliffe and Smithville Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I, (or we,) [*insert the name of any other party or parties*] in consideration of _____ dollars, paid to me, (or us,) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel, (or those certain parcels, *as the case may be*,) of land, [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Dunnville, Attercliffe and Smithville Railway Company, their successors and assigns for ever, [*here insert any other clauses, covenants or conditions required*], and I, (or we,) the wife, (or wives,) of the said do hereby bar my, (or our,) dower in the said lands.

As witness my, (or our,) hand and seal, (or hands and seals,) this _____ day of _____, A.D. 18 ____.

Signed, sealed and delivered }
in presence of }

[L.S.]

Joel D. Strawn and Edward A. C. Pew, together with such other persons and corporations as shall become shareholders of the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Dunnville and Smithville Junction Railway Company."

Gauge and location of line.

2. The said company shall have full power to construct a railway of a gauge of four feet eight and one-half inches, from a point in or near the village of Dunnville, in the county of Haldimand, to a point in or near the village of Smithville, in the county of Lincoln.

Construction in sections of not less than ten miles authorized.

Rev. Stat. c. 170.

3. The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act of Ontario* and the amendments thereof applied to, included in, or incorporated with this Act, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said *Railway Act of Ontario* and the amendments thereof, with respect to "plans and surveys."

Rev. Stat. c. 170.

Rev. Stat. 170

Power to acquire land for gravel pits, etc.

4. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may acquire and hold land in addition to the roadway from which to obtain such supplies of the same as are required by them for such construction and maintenance, and the same or any part thereof may sell and dispose of when no longer required; and in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, may cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration

tion, as in the case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining such materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat. c.
170.

5. When said gravel, stone, earth or sand shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

Sidings to
gravel pits.

Rev. Stat. c.
170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat. c.
170.

6. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel-pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole
lots in certain
cases.

Rev. Stat. c.
170.

7. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase, and hold such land as may be required at each extremity of the said railway, for the purpose of building thereon elevators, store-houses,

Power to take
land for building
elevators,
etc., and to
use streams.

houses, warehouses, engine-houses, docks, and other erections for the use of the said company, and the same or portion thereof, in their discretion, to sell or convey, and also to make use for the purposes of the said railway of the water of any stream or water-course, at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course.

Snow fences. **8.** The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Form of conveyances. **9.** Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the schedule A, hereunder written, or to the like effect, and shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof

Telegraph and telephone lines. **10.** For the purpose of constructing, working and protecting the telegraph and telephone lines to be constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by *The Act respecting Telegraph Companies*, are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph and telephone lines shall apply to any such telegraph and telephone lines constructed by the company.

Provisional directors and their powers. **11.** From and after the passing of this Act the said, the Hon. Richard W. Scott, James Pearson, Donald McDiarmid, John Lamport, John Herbert Hyland, Joel D. Strawn, and Edward A. C. Pew, shall be the provisional directors of the company, and such provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally
with

with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and to cause surveys and plans to be made and executed, and to commence and proceed with the acquiring of land and construction and equipment of the said railway, and with all such other powers as under *The Railway Act of Ontario*, and any other law in force in Ontario, are vested in such boards.

Rev. Stat. c.
170.

12. The capital stock of the said company shall be \$180,000 (with power to increase the same in manner provided by *The Railway Act of Ontario*), to be divided into eighteen hundred shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Capital.

Rev. Stat. c.
170.

13. The provisional or elected directors of the company may in their discretion exclude any one from subscribing for stock in the said company, or rescind the subscription and return the deposit of any person, if they are of opinion that such person would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Power of
directors to
exclude per-
sons from sub-
scribing for
stock.

14. On the subscription of shares of the said capital stock each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall according to and in conformity with the provisions of section 18 of this Act,

Ten per cent.
to be paid
time of sub-
scription.

Act, deposit the same in some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the said company.

Calls.

15. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder; and thirty days' notice of each call shall be given, as provided in section 21 of this Act.

Power to accept payment of subscriptions in full.

16. The provisional or elected directors may accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and may allow such percentage or discount thereon as they may deem expedient and reasonable, not exceeding twelve per centum, and thereupon may issue to each subscriber scrip to the full amount of such stock subscribed.

Power to make certain payments in stock.

17. The said provisional directors or the elected directors may pay or agree to pay in and issue therefor stock as fully paid up, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling-stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way material, plant, or rolling-stock: Provided that if such promoters or other persons be provisional or elected directors of the company, such payment or agreement shall not be made unless the same be sanctioned by a vote of the shareholders at any general meeting, and any agreement so made shall be binding on the company.

Proviso.

First election of directors.

18. As soon as shares to the amount of \$50,000 of the capital stock of the said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company and which on no account shall be withdrawn therefrom unless for the services of the company, the provisional directors shall call a meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum upon the amounts subscribed by them, for the purpose of electing directors to the said company.

Provision in case directors neglect to call meeting.

19. In case the provisional directors neglect to call such meeting, to be held on some day within the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than \$10,000 of the said capital stock, and who have paid up all calls thereon.

20. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in each of the villages of Dunnville and Smithville, once in each week for the space of at least four weeks; and such meeting shall be held at such place and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also make or pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Notice of
meeting.

21. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the city of Toronto, and on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the villages of Dunnville and Smithville respectively, during the four weeks preceding the week in which such meeting is to be held.

Annual
meeting.

22. Special general meetings of the shareholders of the said company may be held at such places in the city of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company upon such notice as is provided by the last preceding section.

Special
meetings.

23. Every holder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Votes.

24. At all meetings of the company the stock held by municipal and other corporations, may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy.

Representa-
tion of stock
held by
corporations.

25. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Qualification
of directors.

26. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company; and all such shareholders, whether resident in the

Rights of
aliens.

the

the Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and aliens shall be eligible to office as directors of the said company.

Company may
appoint agents
in England
and in New
York.

27. The directors of the company may, subject to the rules and regulations from time to time to be made by the directors respecting the same, appoint an agent in the city of London, England, and also an agent in the city of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London or New York offices in the names of the transferees, in the same manner as shares may be transferred in the former office and *vice versa*, and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London or at the New York office, and scrip certificates may be issued for them, and the agent or agents, or other officer or officers, shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in the Province.

Transfers in
England or
United States,
how made.

28. Wherever any transfer shall be made, in England or the United States, of any share of stock of the company the delivery of the transfer of stock and scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid shall be sufficient to constitute the transferee a shareholder or stockholder in the company, in respect to the shares of stock so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the register of transfer for the purpose of dividends as they may find expedient; and all such regulations, not being inconsistent with the provisions of this Act and of *The Railway Act of Ontario*, as altered or modified by this Act, shall be valid and binding.

Rev. Stat. c.
170.

Quorum of
directors and
appointment
of a paid
director.

29. At all meetings of the board of directors four shall form a quorum for the transaction of business, and the said board may employ one of their number as paid director.

30. The directors of the said company may enter into a contract or contracts with any individual, or association of individuals, for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor, either in cash or bonds, or in paid-up stock, or otherwise, as may be deemed expedient: Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Power to contract for construction and equipment of line.
Proviso.

31. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid to company

32. Any municipality through which the said railway may pass, is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of land from municipalities, etc., authorized.

33. The corporation of any municipality through any part of which the railway of the said company passes or is situated, may, by by-law specially passed for that purpose, exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or may agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption from taxation.

34. Any municipality through which the said railway passes, and having jurisdiction in the premises, may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such highway be either in the possession of or under the control of any joint stock company, then with the assent of such company, and it shall and may be lawful for the said company to enter into and perform any such agreements as

Municipalities may authorize the company to make their road on highways.

as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Issue of bonds.

35. The directors of the said company after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for the purpose of raising money for prosecuting the said undertaking, and such bonds and scrip for debenture stock shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, and such bonds and debenture stock shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, and the rolling stock and equipments of the company then existing, and at any time thereafter acquired, and each holder of the said bonds or debenture stock shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds and debenture stock shall not exceed in all the sum of \$360,000; and provided that in the event at any time of the interest upon the said bonds and debenture stock remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds and debenture stock shall have and possess the same rights and privileges and qualifications for directors, and for voting, as are attached to shareholders: Provided that the bonds shall have been first registered, and the debenture stock, and any transfers thereof, shall have been registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof, and that notwithstanding that any such bonds may have been already registered by a former holder thereof.

Proviso.

Proviso.

Proviso.

Bonds, etc., to be personal property, and transferable by delivery.

36. Any such bonds, and the coupons thereof, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name; such bonds and debenture stock are hereby declared to be personal property.

Power to mortgage bonds.

37. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debenture stock which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

38. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted, or indorsed by the president or vice-president of the company, and countersigned by the secretary, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary, be individually responsible for the same, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the directors as herein enacted: *Provided,* however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Power to become parties to promissory notes, etc.

Provido.

39. Any debenture stock authorized under this Act which from time to time shall be created, shall be entered by the company in a register, to be kept for that purpose at their office in Toronto, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to either of such debenture stock, with the respective amounts of the stock to which they are respectively entitled, and the said company may also open registers for the same purpose in Great Britain.

Registration of debenture stock.

40. The company shall deliver to every holder a certificate stating the amount of debenture stock held by him, as the case may be, and all regulations or provisions for the time being applicable to certificates of ordinary shares of the capital of the company, and transfer of such shares, shall apply *mutatis mutandis* to certificates and transfers of the debenture stock, subject to the provisions of this Act: *Provided* the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company, and a new certificate or certificates issued in lieu thereof.

Certificates to be given to holders of debenture stock.

Provido.

41. The directors of the company may, subject to the rules and regulations from time to time of the board, appoint an agent in the city of London, England, with power to pay dividends, to open and keep books of transfer and registers for the shares of the capital stock of the company, and also keep books of transfer and registers for the debenture stock of the company, and for the issue of scrip and stock certificates, and thereupon the registry of any shares of debenture stock may be

Company may appoint an agent in England for certain purposes.

be transferred from the office of the said company in Toronto to the London office, and there registered in the name of the holder, and transfers of such shares and debenture stock may then be made in the same manner as shares and debenture stock may be transferred in the former office, and such shares or any of them or debenture stock may be re-transferred to the office in Toronto, and the agent or agents or other officer or officers in London shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in Toronto, who shall thereupon make the requisite entries respecting such transfer, transfers and scrip certificate and certificates in the registers kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders and debenture stockholders, as though the scrip certificates had been issued by the secretary of the company in Toronto.

Debenture stock not transferable in less amounts than £100 sterling.

Power to make regulations for transfer, etc. of stock.

Rev. Stat. c. 170.

Company empowered to issue debentures stock and bonds.

Debenture stock to be personal property.

Power as to sale and mortgage of debenture stock and bonds.

Application of proceeds.

42. The said debenture stock shall not be transferable in amounts less than one hundred pounds sterling, and no transfer shall include any fractional part of ten pounds sterling.

43. The directors may from time to time make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock and debenture stock, and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends as they may find expedient, and all such regulations, not being inconsistent with this Act, and with *The Railway Act of Ontario*, as altered or modified by this Act, shall be valid and binding.

44. The said company shall have all the powers necessary for the issue of the said debenture stock or terminable bonds authorized by this Act, and for carrying out of the objects of this Act in respect thereof.

45. The said debenture stock, bonds, and all other debenture stock issued or to be issued by the said railway company shall be deemed to be and are hereby declared to be personal estate.

46. The said company shall have the right to sell such debenture stock and bonds at such prices as they may deem expedient, and shall also have the right to mortgage, pledge and hypothecate the same for any advance made to the company.

47. The money to be realized from the sale of or raised by mortgaging, pledging or hypothecating the said debenture stock and bonds shall be applied towards the cost of constructing and equipping the said railway, and for such other purposes as the directors may deem expedient.

48. The said company shall have power to build, purchase or charter, and to manage, work and navigate, in connection with their railway, steam vessels, sailing vessels and barges, and also to sell and dispose of the same from time to time when deemed expedient, free from any lien thereon under any bond or debenture stock of the company, and also to enter into arrangements or agreements with owners or managers of steam vessels, sailing vessels or barges, from time to time, for the working, management and navigation of any such vessels in connection with their railway, and may agree upon such tolls and rates of freight for or in respect of traffic carried over their railway, received from or delivered to or forwarded by or carried in connection with steam vessels, sailing vessels or barges, as the directors shall from time to time think proper.

Power to build, etc., and dispose of vessels.

49. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to collect back charges.

50. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Railway Act incorporated.

51. The said railway shall be commenced within three years and completed within five years after the passing of this Act; and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Commencement and completion of work.

SCHEDULE A.

(Section 9.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendor or vendors*] in consideration of dollars paid to me (or us) by the Dunnville and Smithville Junction Railway company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) *insert the name or names of any other party or parties* in consideration of

dollars paid to
me

me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*), of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said the Dunnville and Smithville Junction Railway Company, their successors and assigns, [*here insert any other clauses, conditions and covenants required*], and I (or we) wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of 18

Signed, sealed and delivered }
in presence of }

[L.S.]

CHAPTER 118.

An Act to Incorporate the Hamilton and Barton Incline Railway Company.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS Watson George Walton, William Magee the younger, George Smyth, Henry Kuntz, F. W. Bearman, Henry H. Laing, Harry Barker, James Kirk, John A. Barr, Andrew Ruthven, Samuel Davis the younger, John Montgomery, W. H. Kerner, George Bartmann, Robert Jahn, John Wilson, John Thomson, Thomas Taafe and James Chisholm, all of the city of Hamilton, in the county of Wentworth, and John Clarke, John Wesley Gage, Adam Cooke, Hiram Barker, John C. Vosper and H. J. Lawry, all of the township of Barton, in the county of Wentworth aforesaid, have by their petition prayed for an Act to incorporate them and others under the name and style of "The Hamilton and Barton Incline Railway Company," for the purpose of constructing and operating an incline railway for the public convenience from some point on the south side of the macadamized road at or near the southern boundary of the city of Hamilton, in the county of Wentworth, up to the brow or summit of the Niagara escarpment or mountain adjacent thereto, in the township of Barton in the said county of Wentworth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. Watson George Walton, William Magee the younger, George Smyth, Henry Kuntz, F. W. Bearman, Henry H. Laing,

Laing, Harry Barker, James Kirk, John A. Barr, Andrew Ruthven, Samuel Davis the younger, John Montgomery, W. H. Kerner, George Bartmann, Robert Jahn, John Wilson, John Thomson, Thomas Taaffe, James Chisholm, John Clarke, John Wesley Gage, Adam Cooke, Hiram Barker, John C. Vosper and H. J. Lawry, together with such other persons and corporations as shall in pursuance of this Act become shareholders in the Company hereby incorporated shall be and are hereby constituted a body corporate and politic, by and under the name of "The Hamilton and Barton Incline Railway Company."

2. The said company hereby incorporated, and their agents and servants, shall have full power and authority under this Act to construct, complete and operate an incline railway from some point on the south side of the James street macadamized road, but so as not to cross the said road, such road being near the southern boundary of the city of Hamilton in the county of Wentworth, to the brow or summit of the Niagara escarpment or mountain adjacent thereto, in the township of Barton, in the said county of Wentworth.

Location of line.

3. The said railway may be of any gauge.

Gauge.

4. Watson George Walton, William Magee the younger, George Smyth, John Clarke and John Wesley Gage with power to add to their number shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock and to sue for and recover the same, and to cause plans and surveys to be made and to receive for the company any grant, loan, bonus, or gift, made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion, or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors shall allocate and apportion it among the subscribers as they shall deem most advantageous and conducive to the furtherance

Powers of provisional directors.

Rev. Stat. c. 170.

furtherance of the undertaking, and in such allocation the said directors may in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the city of Hamilton or at such other place as may best suit the interests of the said company.

Form of conveyance.

6. Conveyances of land to the said company for the purposes of and powers given by this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscriptions not binding till approved and ten per cent. paid.

7. No subscription for stock in the capital of the company shall be binding on the said company, unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to company.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Grants of land.

9. Any municipality through which the said railway may pass, or is situate, is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person, or body corporate or politic; and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Capital stock.

Rev. Stat. c. 170.

10. The capital stock of the company hereby incorporated, shall be \$20,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 400 shares of \$50 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first

first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act, and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works, may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality, from the capital stock of the said company, or be allowed to it in payment of stock.

11. When and as soon as shares to the amount of \$10,000 of capital stock in said company shall have been subscribed, and twenty per centum paid thereon, into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the city of Hamilton of the time, place and purpose of said meeting. First election of Directors.

12. At such general meeting the shareholders present, who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect five persons as hereinafter mentioned, to be directors of the said company, (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*. Number of directors and quorum
Rev. Stat. c. 170.

13. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon. Qualifications of directors.

14. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 16 of this act. Calls.

Certain payments may be made in stock or bonds.

15 The provisional directors, or the elected directors, may pay, or agree to pay, in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers and contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors, or not, and any agreement so made shall be binding on the company.

Annual meeting.

16. Thereafter the annual general meeting of the shareholders of the said company shall be held in the said city of Hamilton, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said city of Hamilton, during the four weeks preceding the week in which such meeting is to be held.

Special meetings.

17. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities.

18. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway, or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Proviso.

Provisions as to bonus by-laws.

19. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way, and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of

of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act*, and the amendments thereto. Rev. Stat. c. 184.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto, as aforesaid. Rev. Stat. c. 184.

(4) In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters, as aforesaid.

20. Such by-law shall in each instance provide :—

By-law, what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality, as the case may be, mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law, as the case may be, an annual special rate, sufficient to include a sinking fund, for the repayment of the said debentures within twenty years, with interest thereon, payable yearly, or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

21. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities, or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate and one being an engineer appointed by Provisions for referring to arbitration disputes as to bonus by-laws.

by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county, as the arbitrators may order.

“Minor municipality,”
meaning of,

22. The term “minor municipality” shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.

Deposit for
expenses.

23. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried
council to
pass same,

24. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then, within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

And issue debentures.

25. Within one month after the passing of such by-law, the said council, and the mayor, warden, reeve, or other head or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act.

Levying rate
on portion of
a municipality.

26. In case any such loan, guarantee, or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of
municipal acts
as to by-laws.

27. The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of
time for com-
mencement.

28. The councils for all corporations that may grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law, or by-laws, granting such aid from time to time; provided, that no such extension shall be for a longer period than one year.

29. It shall and may be lawful for the council of any municipality that may grant aid, by way of bonus, to the said company, by resolution, or by-law, to extend the time for the completion of the works, (on the completion of which the said company would be entitled to such bonus,) from time to time; provided that no such extension shall be for a longer period than one year at a time.

Extension of time for completion.

30. Any municipality, or portion of a township municipality interested in the construction of the road of the said company, may grant aid by way of bonus to the said company, toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided, that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Rate not exceeding three cents in the dollar valid.

Proviso.

31. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption from taxation.

32. Any municipality through which the said railway passes and having jurisdiction in the premises, may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company and if such highway be either in the possession of or under the control of any joint stock company, then with the assent of such company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Municipalities may authorize the company to make their road on highways.

33. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway; and in case, by purchasing the whole of any lot or parcel of land over which

Power to purchase whole lots.

which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c.
170.

Acquiring
gravel, etc.,
for construc-
tion and main-
tenance of
railway.

34. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining the materials as afore-said; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat. c.
170.

Sidings to
gravel pits.

35.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised, and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Rev. Stat. c.
170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat. c.
170.

36. Whenever any municipality, or portion of a township Trustees of debentures. municipality, shall grant aid by way of bonus, or gift, to the railway company, the debentures therefor, shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee, or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council; and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

37. The said trustees shall receive the said debentures, or bonds, in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale, in some chartered bank having an office in the Province of Ontario, in the name of "The Hamilton and Barton Incline Railway Municipal Trust Account," and to pay the same out to the said company from time to time, as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque, or order, drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate, under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor. Trusts of proceeds of debentures.

38. The trustees shall be entitled to their reasonable fees Fees to trustees. and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

39. The directors of the said company, after the sanction of Issue of bonds. the shareholders shall have first been obtained, at any special general

general meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$15,000 per mile; and provided, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Transfer of
bonds.

40. All such bonds, debentures, and other securities, and coupons, and interest warrants thereon, respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Negotiable
instruments.

41. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums of not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president, or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

42. The said company may, from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Pledging
bonds.

43. It shall be lawful for the directors of the company to enter into agreement with any company or companies—if lawfully authorized to enter into such agreement—person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock, and other movable property from such companies, or persons, for such time or times, and on such terms as may be agreed on; and also to enter into agreement with any railway company, or companies, if so lawfully authorized, for the use, by one or more of such contracting companies, of the locomotives, carriages, rolling stock, and other movable property of the other, or others of them, on such terms as to compensation and otherwise, as may be agreed upon.

Agreements
with other
companies.

44. The said company shall have power to agree for connections, and make running arrangements with the South Ontario Pacific Railway Company, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with the said railway company, if lawfully authorized to enter into such an agreement, for the sale or leasing, or hiring of any portion of their railway, or the use thereof, or for the sale or leasing, or hiring any locomotives, tenders, plant or rolling stock, or other property, of either or of both, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy, at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding, according to the terms and tenor thereof; and the company purchasing, leasing, or entering into such an agreement for using the said railway, may, and are hereby authorized, to work the said railway in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Agreement
with other
companies.

45. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by *The Act Respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

Telegraph and
telephone
lines.

Rights of
aliens.

46. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Transfer of
shares.

47. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock, or scrip certificates issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company.

Power to hold
additional
property.

48. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to col-
lect back
charges on
goods.

49. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Rev. Stat. c.
170, incorpor-
ated.

50. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof, so incorporated with this Act.

Commence-
ment and com-
pletion of
work.

51. The said railway shall be commenced within one year, and completed within two years from the passing of this Act.

SCHEDULE A.

(Section 6.)

Know all men by these presents, that I, (or we,) [*insert the name of the vendors*], in consideration of _____ dollars paid to me, (or us,) by the Hamilton and Barton Incline Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I, (or we,) [*insert the name of any other party or parties*] in consideration of _____ dollars, paid to me, (or us,) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel, (or those certain parcels, *as the case may be*,) of land, [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Hamilton and Barton Incline Railway Company, their successors and assigns for ever, [*here insert any other clauses or conditions required*], and I, (or we,) the wife, (or wives,) of the said _____ do hereby bar my, (or our,) dower in the said lands.

As witness my, (or our,) hand and seal, (or hands and seals,) this _____ day of _____, A.D., 18 ____.

Signed, sealed and delivered }
in presence of } [LS.]

SCHEDULE B.

(Section 37.)

CHIEF ENGINEER'S CERTIFICATE.

The Hamilton and Barton Incline Railway Company's Office.

No. _____ Engineer's Department, _____, A.D. 18 ____.

Certificate to be attached to cheques drawn on the Hamilton and Barton Incline Railway Company Municipal Trust Account, given under section _____, chapter _____, of the Acts of the Legislature of Ontario, passed in the _____ year of Her Majesty's reign.

I, _____ A.B., Chief Engineer of the Hamilton and Barton Incline Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. _____, of the township of _____, (or under the agreement dated the _____ day of _____, between the corporation of _____ and the said company,) to entitle the said company to receive from the said trust the sum of _____. [*Here set out the terms and conditions, if any, which have been fulfilled.*]

CHAPTER 119.

An Act respecting the Hamilton and Dundas Street Railway Company.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the Hamilton and Dundas Street Railway Company have petitioned for an Act to readjust their capital account and for other changes in their corporate powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to call
in present
issue of bonds
and stock.

1. The Hamilton and Dundas Street Railway Company, when the company shall have obtained the consent in writing of all the holders of the bonds of the company, and shall have deposited such consent, verified by statutory declaration, in the office of the Provincial Secretary, are hereby authorized to call in, cancel and revoke their present issue of bonds, being the issue of \$68,000 authorized by section 4 of the Act passed in the 49th year of Her Majesty's reign, chaptered 68, and also, when the company shall have obtained the consent in writing of all the holders of preferential stock of the company, and shall have deposited such consent, verified by statutory declaration in the office of the Provincial Secretary, to call in, cancel and revoke the issue of preference stock now outstanding to the extent of \$20,000, and the issue of the common stock now outstanding, amounting to the face value of \$25,850, and upon such calling in and cancellation of the said bonds, the mortgage executed to trustees for the further securing of the same shall be discharged and cease to be a charge on the undertaking and property of the said company.

Issue of de-
benture stock
or new bonds.

2. When, but not until the company shall have obtained the consents in that behalf required by the preceding section of this Act, and shall have deposited the same in the office of the Provincial Secretary, the company may make an issue of perpetual debenture stock or new bonds for such sum and in such amounts, and at such rate of interest as the shareholders of the said company may by resolution determine, not exceeding \$150,000, to be applied and used as hereinafter provided, which said debenture stock or bonds shall be taken and considered to be the first and preferential charge or claim upon the undertaking and real property of the said company (including its rolling stock and equipments) then existing, or at any time thereafter acquired, and its rents and income.

subject

subject always to the lien of any unpaid vendor in respect of any such property, and each holder of such debenture stock or bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, property and income of the company aforesaid.

3. If the company elect to issue bonds under the last preceding section they may be made to run for any term of years which may be decided upon by the shareholders, and may bear interest from a date not more than six months prior to the date of issue, and may be secured by a mortgage to any incorporated trust company, or to three trustees of the aforesaid property of the company containing such powers, provisos and conditions as may be approved of by the shareholders of the company, but in any event the statutory lien provided for by section 2 shall continue.

Bonds to bear interest and be secured.

4. The company, in substitution for the said preference stock and the said common stock, may give to the holders thereof at such rate above or below par as may by said holders be agreed upon, debenture stock or bonds, part of the issue hereinbefore authorized, and they may issue a new stock to be allotted to the said preference and common shareholders or any of them, or such shareholders may be allotted in substitution, partly debenture stock or bonds and partly such new stock as may be so agreed upon.

Company may give new stock to holders of stock cancelled.

5. Subject to the preceding sections of this Act the amount of such new issue of stock, and the rate at which the same is to be allotted, and the proportion of debenture stock or bonds (if issued) which are to be given in substitution to the shareholders aforesaid, shall be determined at a general meeting of both classes of shareholders to be called for that purpose, and at such meeting the said shareholders shall have a right to issue, in addition to the present face value of such stocks, any further sum not exceeding \$25,000 to be fixed by the said shareholders and representing the profits of the said company, which have not been divided, but which have been used in aid of capital account; or the total issue on capital account may be reduced to such sum as the said shareholders may fix; provided that the resolution of the said shareholders recording their action under the powers given by this section shall be carried by a vote of two-thirds in value of the shareholders of both classes.

Amount of new issue and mode of allotment to be determined at general meeting.

6. The residue of the debenture stock or bonds of the said company issued under this Act shall be disposed of by the said company, or handed over to their lessees, the proceeds thereof to be used in the improvement of the said line, and for the other necessary works of the said company.

Residue of new issue, how disposed of.

CHAPTER 120.

An Act to incorporate the Huron and Ontario Railway Company.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS William J. R. Holmes, Malcolm Colin Cameron, Joseph Williams, Horace Horton, Isaac Francis Toms and James Thompson Garrow, of the town of Goderich, Patrick Kelly, of the village of Blyth, Frederick C. Rogers, of the village of Brussels, William Milne, of the township of Grey, all in the county of Huron, and John C. Hay and Samuel Bricker, of the town of Listowel, in the county of Perth, have by their petition represented that it is desirable that a railway be constructed from the town of Goderich, in the county of Huron, through the villages of Blyth and Brussels, and the said town of Listowel, and thence to the city of Hamilton, or some intermediate point upon any line of railway running through either of the counties of Waterloo, Wellington, Wentworth and Halton into the said city of Hamilton, and have prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. William J. R. Holmes, Malcolm Colin Cameron, Joseph Williams, Horace Horton, Isaac Francis Toms and James Thompson Garrow, of the Town of Goderich, Patrick Kelly, of the village of Blyth, Frederick C. Rogers, of the village of Brussels, William Milne, of the township of Grey, all in the county of Huron, and John C. Hay and Samuel Bricker, of the town of Listowel, in the county of Perth, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be, and are hereby constituted a body corporate and politic, by the name of the Huron and Ontario Railway Company.

Location of line.

2. The said company shall have full power and authority to survey, lay out, construct, complete, equip and operate a single or double line of railway from a point in the town of Goderich, in the county of Huron, through the villages of Blyth and Brussels, in the said county, and through the said town of Listowel, in the county of Perth, to the said city of Hamilton, in the county of Wentworth, or to some intermediate point on any line of railway running through either of the counties of Waterloo, Wellington, Wentworth and Halton into the said city of Hamilton.

3. The gauge of the said railway shall be four feet eight and one-half inches. Gauge of railway.

4. William J. R. Holmes, Malcolm Colin Cameron, Joseph Williams, Horace Horton, Isaac Francis Toms and James Thompson Garrow, of the town of Goderich, Patrick Kelly, of the village of Blyth, Frederick C. Rogers, of the village of Brussels, William Milne, of the township of Grey, all in the county of Huron, and John C. Hay and Samuel Bricker, of the town of Listowel, in the county of Perth, with power to add to their number, shall be, and are hereby constituted, a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act. Provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Goderich, or at such other place as may best suit the interest of the said company. Powers of provisional directors. Rev. Stat. c. 170. Meeting of provisional directors, where held.

6. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in Schedule A. hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Form of conveyance.

of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscriptions
not binding
until approved
and ten per
cent. paid.

7. No subscription for stock in the capital of the company shall be binding on the said company, unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to com-
pany.

8. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat., c.
170.

9. The capital stock of the company hereby incorporated shall be \$250,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into two thousand five hundred shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorised; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works, may by resolution, of which seven days previous notice shall have been given, and passed by a majority of the said municipal corporation, authorise the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First election
of directors.

10. When and as soon as shares to the amount of \$50,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks'

weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the town of Goderich, in the said county of Huron, of the time, place and purpose of said meeting.

11. At such general meeting, the shareholders present who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect five persons as hereinafter mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*. Number of directors and quorum. Rev. Stat., c. 170.

12. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon. Qualification of directors.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call, as provided in section 10 of this Act. Calls.

14. The provisional directors, or the elected directors, may pay, or agree to pay, in paid-up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders, at any general meeting, for the services of the promoters, or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Certain payments may be made in bonds or stock.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the town of Goderich, or in such other place, and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the town of Goderich, during the four weeks preceding the week in which such meeting is to be held. Annual meetings.

16. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section. Special meetings.

Aid from
municipalities

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Provisions as
to bonus by-
law

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount ; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

Rev. Stat., c.
184.

(2) In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat., c.
184.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds or lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

By-law what
to contain.

19. Such by-law shall in each instance provide :

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality

municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorised to execute and issue in such cases respectively.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law, so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

Provisions for referring to arbitration disputes as to bonus by-laws.

21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

"Minor municipality," meaning of.

22. Before any such by-law is submitted, the railway company shall if required deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit for expenses.

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then, within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

If by-law carried, council to pass same,

24. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided

And issue debentures.

provided for by the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Levying rate
on portion of a
municipality.

25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of
Municipal
Acts as to by-
laws.

26. The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Extension of
time for com-
mencement.

27. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Extension of
time for com-
pletion.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not ex-
ceeding three
cents in the
dollar valid.

29. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Exemption
from taxation.

30. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may

may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

31. Any municipality through which the said railway may pass, or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. Grants of land.

32. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Power to purchase whole lots. Rev. Stat. c. 170.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Acquiring gravel, etc., for the construction and maintenance of railway. Rev. Stat. c. 170.

34.—(1) When said gravel, stone, earth or sand shall be taken, under the preceding section of this Act, at a distance Sidings to gravel pits. from

Rev. Stat. c.
170.

from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of "*The Railway Act of Ontario*," shall not apply.

Trustees of
debentures.

35. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall, be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of
proceeds of
debentures.

36. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "*The Huron and Ontario Railway Municipal Trust Account*," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law

law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

37. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

38. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata, with all the other holders thereof upon the undertaking and property of the company as aforesaid; Issue of bonds. Provided, however, that the whole amount of such issue of bonds shall not exceed in all, the sum of \$20,000 per mile, and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; Proviso. Provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. Proviso.

39. All such bonds, debentures, and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. Transfer of bonds.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums Negotiable instruments.

sums of not less than \$100, and any such promissory note or bill made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Pledging
bonds.

41. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements
with other
companies for
lease of rolling
stock.

42. It shall be lawful for the directors of the company to enter into agreement with any company or companies—if lawfully authorized to enter into such an agreement—person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on; and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use, by one or more of such contracting companies, of the locomotives, carriages, rolling stock, and other movable property of the other or others of them, on such terms, as to compensation and otherwise, as may be agreed upon.

Agreements
for connection
with other
companies.

43. The said company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company and the Grand Trunk Railway Company of Canada, and the Toronto, Hamilton and Buffalo Railway Company or any or either of them, or with such of the two railways known as the Michigan Central Railroad Company and the Canada Southern Railway Company as may hereafter lease or operate the said, the Toronto, Hamilton and Buffalo Railway upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with either or any of said railway companies for the sale or leasing or hiring of any portion of their railway or the use thereof, or for the sale or leasing or hiring any

any locomotives, tenders, plant or rolling stock or other property of either, or of both or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, according to the terms and tenor thereof, and the company purchasing, leasing, or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

44. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* (being chapter 158 of the Revised Statutes of Ontario, 1887), are hereby conferred upon the said company. Telegraph lines.

45. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. Rights of aliens.

46. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates, issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

47. The company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops, and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway. Power to hold additional property.

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, Power to collect back charges on goods.

charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Railway Act
incorporated.

49. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commence-
ment and
completion of
railway.

50. The said railway shall be commenced within three years, and completed within six years from the passing of this Act.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name of the vendors*) in consideration of _____ dollars paid to me (or us) by the Huron and Ontario Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name of any other party or parties*) in consideration of _____ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels) (*as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Huron and Ontario Railway Company, their successors and assigns for ever (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals)
this _____ day of _____ 18 ____.

Signed, sealed and delivered }
in the presence of }

{ L. S. }

SCHEDULE B.

(Section 36.)

CHIEF ENGINEER'S CERTIFICATE.

THE HURON AND ONTARIO RAILWAY COMPANY'S OFFICE.

No. *Engineer's Department,* A.D. 189 .

Certificate to be attached to cheques drawn on the Huron and Ontario Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, Chief Engineer of the Huron and Ontario Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of
(or under the agreement dated the day of
between the corporation of and the said company)
to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*)

CHAPTER 121.

An Act respecting the Irondale, Bancroft and Ottawa Railway Company.

[Assented to 7th April, 1890.]

WHEREAS the Irondale, Bancroft and Ottawa Railway Company have petitioned for certain amendments to their Act of incorporation, and the Acts amending the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The time for the building and completion of the said railway is hereby extended to the first day of January, 1896. Extension of time for completion of work.

2. The whole amount of bonds to be issued by the company and existing at any one time as a charge upon the line of railway and property of the company shall not exceed the sum of \$20,000 per mile for the length of railway constructed or under contract to be constructed at the time of the issue of such bonds. Issue of bonds not to exceed \$20,000 per mile.

CHAPTER

CHAPTER 122.

An Act to Incorporate The Kent and Lambton Railway Company.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the construction of a railway from some point in the town of Chatham, in the county of Kent, thence to a point in the village of Wallaceburg in the said county and from thence to a point in the town of Petrolia, in the county of Lambton, has become desirable for the development of the resources of certain portions of the counties of Kent and Lambton, and for the public convenience and accommodation of the inhabitants thereof; and whereas a petition has been presented praying for the incorporation of a company for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. James W. Steinhoff, William D. McRae, Harvey Morris, Thomas B. Gillard, George Mitchell, William Whitebread, Alfred L. Shambleau, Thomas Redpath, Joseph C. Shaw, Daniel Dobie, John Langwith, William K. Snyder, and John S. Fraser, together with such other persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated are hereby constituted and declared to be a body corporate and politic by the name of "The Kent and Lambton Railway Company" hereinafter called the company.

Location of line.

2. The company, their agents and servants, shall have full power under this Act to survey, lay out, construct, complete and operate a railway from any point in the town of Chatham in the county of Kent, thence to any point in the village of Wallaceburg in the said county and from thence to any point in the town of Petrolia in the county of Lambton, with full power to pass over any portion of the country between the points aforesaid and to carry their railway through any Crown lands lying between the points aforesaid.

Gauge.

3. The gauge of the said railway shall be four feet eight and one half inches.

Provisional directors.

4. James W. Steinhoff, William D. McRae, Harvey Morris, Thomas B. Gillard, George Mitchell, William Whitebread, Alfred L. Shambleau, Thomas Redpath, Joseph C. Shaw, Daniel

Daniel Dobie, John Langwith, William K. Snyder, and John S. Fraser, with power to add to their number, are hereby constituted a board of provisional directors of the company, and shall hold office as such until other directors are elected, under the provisions of this Act, by the shareholders; and shall have power to fill the place or places of any of their number which may become vacant, and to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; and such provisional directors may appoint a committee from their number to open such stock books and to receive such subscriptions, and the said committee, or a majority of them, may, in their discretion, exclude any person from subscribing.

5. The capital stock of the company hereby incorporated shall be \$200,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into two thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

6. When and as soon as shares to the amount of \$50,000 of the capital stock of the company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a newspaper published in each of the counties

counties of Kent and Lambton, and in the *Ontario Gazette*, of the time, place and object of such meeting, and at such general meeting, the shareholders present either in person or by proxy and who shall, at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons, to be directors of the company in manner and qualified as hereinafter directed, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

Power of directors to exclude persons from subscribing for stock.

7. The provisional or elected directors of the company may, in their discretion, exclude any one from subscribing for stock in the said company or rescind the subscription and return the deposit of any person if they are of the opinion that such person would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if, at any time, more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway.

Power to make certain payments in paid up stock.

8. The said provisional directors, or elected directors, may pay or agree to pay in paid up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreements so made shall be binding on the company.

Annual meetings.

9. The general annual meeting of the shareholders of the company shall be held in such place in the town of Chatham or at such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in each of the counties of Kent and Lambton, during the four weeks preceding the week in which such meeting is to be held.

Special meetings.

10. Special general meetings of the shareholders of the company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided by the last preceding section.

11.

11. Every holder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock, upon which such shareholder seeks to vote, shall have been paid up at least one week before the day appointed for such meeting. Votes.

12. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company, upon which all calls have been paid up. Qualification of directors.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 9 of this Act. Calls.

14. Aliens and companies incorporated abroad as well as British subjects and corporations, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company. Rights of Aliens.

15. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, four directors shall form a quorum for the transaction of business; and the said board of directors may employ and pay one of their number as managing director. Quorum of directors.

16. Any municipality, through which the said railway may pass, is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company. Grants of land to company.

17. The company shall have power to purchase and hold such land as may be required at each extremity of the said railway, for the purpose of building thereon storehouses, warehouses, engine-houses, and other erections for the uses of the said company, and the same or portions thereof, in their discretion, to sell or convey, and also to make use for the purposes of said railway, of any stream or watercourse at or near which the said railway passes, doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse. Power to hold additional property.

Aid to company.

18. The company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Right to use highways.

19. It shall and may be lawful for any municipality, through which said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company; and if such highway be either in the possession of, or under the control of any joint stock company, then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may, from time to time, deem expedient with any municipality, corporation or person, for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Exemption from taxes.

20. It shall and may further be lawful for the council of any municipality, through which any part of the said railway passes or is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Aid from municipalities.

21. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

22. Such by-laws shall be submitted by the municipal council, to the vote of the ratepayers in manner following, namely :—

Provisions as
to bonus
by-laws.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters.

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and amendments thereto.

Rev. Stat.,
c. 184.

3. In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and amendments thereto, as aforesaid.

4. In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

23. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground, ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended then by the company or the county, as the arbitrators may order.

Disputes as to
bonus by-laws.

Deposit for expenses.

24. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Rate not exceeding three cents in the dollar valid.

25. Any municipality or portion of a township municipality interested in the construction of the road of the said company, may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law, provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

By-law, what to contain.

26. Such by-law shall in each case provide:—

1. For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

2. For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases, respectively.

“Minor municipality,” meaning of.

27. The term “minor municipality” shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

If by-law carried council to pass same,

28. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

And issue debentures.

29. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof, shall issue the debentures provided for by the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

30. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Levying rate on portion of a municipality.

31. The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Application of Municipal Acts as to by-laws.

32. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extension of time for completion.

33. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

Extension of time for commencement.

34. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorising the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then, in either case the company shall be at liberty to name such other trustee or trustees; any of the said trustees may be removed and a new trustee appointed in his stead at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of debentures.

Proviso.

35. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, which debentures to be but held.

Trusts upon which debentures to be held.

but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Kent and Lambton Railway Municipal Trust Account," and to pay the same out to the said company, from time to time, as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any Court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

36. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to acquire more land than is required for use of railway.

37. Whenever it shall be necessary, for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase hold, use, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring gravel, etc., for construction or maintenance of railway.

38. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of the arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section,

Rev. Stat. c. 170.

as to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which such material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

39.—(1) When said gravel, stone, or other material shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Sidings to gravel pits, etc.
Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

40. The company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of the said railway, and to erect and maintain snow-fences thereon subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow-fences so erected shall be removed on or before the first day of April following.

Snow-fences.

41. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100; and any such promissory note or bill of exchange made, accepted, or endorsed by the president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same unless the said promissory notes or bills of exchange

Negotiable instruments.

exchange have been issued without the sanction and authority of the directors, as herein provided and enacted : provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Bonds.

42. The directors of the company, after the sanction of the shareholders shall have been first obtained, at any special general meeting called for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid, and the company may by by-law, before issue, fix and define the amount or denomination of such bonds, the time or times and the place or places for payment of the principal moneys thereof and the interest thereon, and other particulars in reference thereto ; provided, however, that the whole amount of such issue of bonds shall not exceed \$10,000 per mile for each and every mile of railway by this Act authorized to be built ; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the company, and at all subsequent general meetings, so long as such interest, or any part thereof, shall remain unpaid and in arrear, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting and for all purposes as are attached to shareholders ; provided further that the holder of any bond or bonds shall, at least three days before any such meeting, produce the bonds held by him to the secretary of the company for registration in the holder's name, and it shall be the duty of the secretary of the company to register the same on being so required by any holder thereof.

Proviso.

Proviso.

Proviso.

Pledging stock.

43. The company may, from time to time, for advances of money, pledge any stock, debenture or bonds, which under the powers of this Act can be issued for the construction of the railway or otherwise.

Power to collect back charges on goods.

44. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the

the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

45. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate, or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of conveyances.

46. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor as far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every one of the clauses of the said Railway Act and the amendments thereof, applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Power to build railway by sections.

Rev. Stat. c. 170.

47. For the purpose of constructing, working, and protecting the telegraph and telephone lines to be constructed by the company on their line of railway, the powers conferred on telegraph and telephone companies by *The Act respecting Electric Telegraph Companies* are hereby conferred upon the company ;

Telegraph and telephone lines.

Rev. Stat. c. 158.

and

and the other provisions of the said Act for the working and protection of telegraph and telephone lines shall apply to any such telegraph and telephone lines constructed by the company.

Railway Act
incorporated.

48. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof, shall be incorporated, with and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof, so incorporated with this Act.

Tolls for car-
riage of tim-
ber.

49. The company shall at all times receive and carry cordwood, sawlogs, stave and heading bolts, ties, piles, square and round timber, at a rate not to exceed one cent per mile per ton on the whole mileage from all stations exceeding five miles and at a rate not exceeding two cents per ton per mile from all stations under five miles; the company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood, logs, bolts, piles, square and round timber to as large an extent as in the case of other freight carried over the said railway.

Commence-
ment and
completion of
railway.

50. The railway shall be commenced within two years and completed within five years after the passing of this Act.

SCHEDULE A.

(Section 45.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by The Kent and Lambton Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*), of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Kent and Lambton Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*), and I

(or

(or we) wife (or wives) of the said do hereby bar
 my (or our) dower in the said lands. As witness my (or our)
 hand and seal (or hands and seals), this day of
 18 .

Signed, sealed and delivered, }
 in the presence of }

L. S.

SCHEDULE B.

(Section 35.)

Chief Engineer's Certificate.

The KENT AND LAMBTON RAILWAY COMPANY'S OFFICE.

No. Engineer's Department, A.D. 18

Certificate to be attached to cheques drawn on The Kent and Lambton Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer for The Kent and Lambton Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of between the corporation of and the said company), to entitle the said company to receive from the said trust, the sum of (here set out the terms and conditions, if any, which have been fulfilled).

CHAPTER 123.

An Act to amend the Act incorporating the Parry Sound Colonization Railway Company.

[Assented to 7th April, 1890.]

WHEREAS by an Act of the Legislature of the Province of Preamble. Ontario, passed in the 48th year of Her Majesty's reign, chapter 78, the Parry Sound Colonization Railway Company was incorporated; and whereas the said company have prayed for certain amendments to said Act, and for power to increase their bonding powers, to cross the Northern and Pacific Junction railway and to extend their said railway thence eastward to any point of junction with any railway within the Parry

Parry Sound District, to enable the said company to erect telephone lines, and for other purposes; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

48³ V. c. 78, s. 2
amended.

1. Section 2 of the Act passed in the 48th year of Her Majesty's reign, and chaptered 78, is hereby amended by inserting the words "within the limits of the town," instead of the words "in the township of McDougall, at or near the village," and by adding to said section the following words, "and after the said railway is so constructed as aforesaid, the said company shall have all the powers conferred on them by said Act, to cross the said Northern and Pacific Junction Railway, and to extend their said railway, thence eastward to any point of junction with any railway within the Parry Sound District.

48 V. c. 78, s. 7
amended.

2. Section 7 of said Act is hereby amended by inserting before the word "nine" in the sixteenth line thereof the words "not more than," and inserting immediately after said word "nine" the words "nor less than five."

48 V. c. 78, s. 8
amended.

3. Section 8 of said Act is hereby amended by inserting the word "town" instead of the word "village" in the second and third lines of said section, and by adding to said section the following words: "or at such other place as may be fixed by the by-laws of the said company."

48 V. c. 78, s.
10 amended.

4. Section 10 of said Act is hereby amended by inserting the word "town" instead of the word "village" in the second and seventh lines thereof, and by adding after the words "Parry Sound" in the third line thereof, the words "or such other place, and".

48 V. c. 78, s. 13
amended.

5. Section 13 of the said Act is hereby amended by striking out the word "five" in the first line, and inserting instead the words "the majority of"

48 V. c. 78, s.
20 amended.

6. Section 20 of said Act is hereby amended by striking out the words "ten thousand" where they occur in the seventeenth line thereof, and substituting therefor the words "twenty-five thousand."

48 V. c. 78, s.
30 amended.
Construction
of telephone
lines.

7. Section 30 of said Act is hereby amended by adding thereto the words: "and the said company shall have power to construct telephone lines."

"Town" sub-
stituted for
"Village of
Parry Sound"
in incorporat-
ing Act.

8. The said Act is hereby further amended by inserting the words "town of Parry Sound" instead of the words "village of Parry Sound" as often as the same shall occur in said Act.

CHAPTER 124.

An Act to Incorporate the Sault Ste. Marie and Hudson's Bay Railway Company.

[Assented to 7th April, 1890.]

WHEREAS a petition has been presented praying for the Preamble.
 incorporation of a company to construct and operate a railway from a point in or near the town of Sault Ste. Marie, in the district of Algoma, to Moose Factory, or to some other point on James' Bay, in the Province of Ontario; and whereas it is expedient to grant the prayer of the said petition ;
 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Joseph Cozens, Robert Davey Perry, John G. Stradley, Incorporation
 Theodore Weld Burdick, Joseph Hall Steere, John Alexander McDonald, William McKaill Bell, Wemys McKenzie Simpson and John McKay, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of "The Sault Ste. Marie and Hudson's Bay Railway Company," hereinafter called "the company."

2. The head office of the company shall be in the town of Head Office.
 Sault Ste. Marie, in the District of Algoma, in the Province of Ontario.

3. The company shall have full power and authority to Location of line.
 lay out, construct, equip and operate a line of railway of the gauge of four feet eight and one-half inches in width from a point in or near the town of Sault Ste. Marie, in the District of Algoma, to a point on the line of the Canadian Pacific Railway between Missinabie station and Ridout station, thence northerly and easterly to Moose Factory or some other point on James' Bay in the Province of Ontario, with full power to pass over any portion of the country between the points aforesaid and to carry their railway through Crown lands, if any, lying between the points aforesaid.

4. The company is hereby authorized and empowered Power to construct railway in sections.
 to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and
 to

Rev. stat.,
c. 170.

Rev. Stat. c.
170.

to deposit the same as required by the clauses of *The Railway Act of Ontario*, and amendments thereto with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act*, and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act*, and the amendments thereof, with respect to "plans and surveys."

Power to
purchase,
wharves, etc.

5. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages, and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine houses, sheds, wharves, docks, piers, and other erections, for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessel; and to collect wharfage and storage and other charges for the use of the same; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease, or convey; and shall also have full power to connect any of the works herein mentioned with any point on the railway or its branches by means of any line or lines of railway for such purposes.

Power to own
and control
vessels in con-
nection with
railway.

6. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control and keep in repair, steam or other vessels, from time to time, to ply on the lakes, rivers and canals of this Province in connection with the said railway; and also to
make

make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

7. The company shall have power to purchase and hold such land as may be required at each extremity of the said railway, for the purpose of building thereon, storehouses, warehouses, engine houses and other erections for the uses of the company, and the same or portions thereof, in their discretion, to sell or convey, and also to make use for the purpose of said railway, of any stream or watercourse at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

Power to acquire land, for warehouses, etc.

8. The company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid to company.

9. Any municipality through which the said railway may pass, or is situate, is empowered to grant by way of gift to the company, any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Grants of land.

10. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials

Acquiring gravel, etc., for construction of railway.

Rev. Stat., c. 170.

materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits, etc.

Rev. Stat., c. 170.

11. (1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing or maintaining the said railway.

Rev. Stat., c. 170, sec. 20 (9), not to apply.

(2) When estimating the damages for the taking of gravel, sand, stone, or earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Power to acquire more land than required for railway.

12. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, use, hold, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or parts thereof from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Provisional directors.

13. The persons named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such, until the first election of directors under this Act.

Powers of provisional directors.

14. The said board of provisional directors shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement

agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Sault Ste. Marie, or at such other place as may best suit the interest of the said company.

Rev. Stat. c.
170.

Meetings of
board.

15. The capital stock of the company hereby incorporated shall be \$3,000,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into thirty thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Capital stock.

Rev. Stat. c.
170.

16. When, and as soon as shares to the amount of \$100,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon, into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders, for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the said town of Sault Ste. Marie, of the time, place and purpose of said meeting.

First election
of directors.

17. At such general meeting the shareholders present who shall have paid up ten per centum on their shares with such proxies as may be present, shall elect not less than five, and not

Number of
directors.

not more than nine persons, as hereinafter mentioned, to be directors of the said company, (of whom a majority shall be a quorum), and may also pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and *The Railway Act of Ontario*.

Rev. Stat. c.
170.

Qualification
of directors.

18. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Annual
meeting.

19. Thereafter the general annual meeting of the shareholders of the company shall be held in such place in the said town of Sault Ste. Marie, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said town of Sault Ste. Marie during the four weeks preceding the week in which such meeting is to be held.

Special
meetings.

20. Special general meetings of the shareholders of the company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Calls

21. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty day's notice shall be given of each call as provided in section 19 of this Act.

Rights of
aliens.

22. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

Issue of
bonds.

23. The directors of the company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the company, and countersigned by the secretary, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter
acquired

acquired ; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid : provided, however, that the whole Proviso. amount of such issue of bonds shall not exceed in all the sum of \$25,000 per mile ; and provided that in the event at any Proviso. time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the company all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders : provided fur- Proviso. ther, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

24. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. Form of bonds.

25. The company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities which, under the powers of this Act, can be issued for the construction of the railway or otherwise. Power to mortgage bonds.

26. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

27. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn ; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted ; provided however, that nothing in this section shall Negotiable instruments.
be

be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Power to
make agree-
ments with
other com-
panies in
Canada.

28. The company may enter into agreements with the Canadian Pacific Railway Company, or the Grand Trunk Railway Company of Canada, for conveying or leasing to either of such companies the railway of the company hereby incorporated in whole or in part or any rights or powers acquired under this Act, as also the surveys, plans, work, plant, material, machinery, and other property to it belonging, or for an amalgamation with any of such companies on such terms and conditions as are agreed upon and subject to such restrictions as to the directors may seem fit.

Agreements
with com-
panies in
Michigan.

Proviso.

29. The company may enter into agreements with any railway company owning or controlling or in possession of a railway in the State of Michigan connecting directly or by bridge or ferry with its road for the use by either of the road of the other: provided that every such agreement authorized by this or the preceding section shall be first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock subscribed are present in person or represented by proxy, and that it has also been approved by the Lieutenant-Governor in Council, such approval shall not be signified until after notice of the proposed application therefor has been published in the *Ontario Gazette* for two months previously to the time therein named for the making of such application, and also for a like period in one newspaper in each of the counties and districts through which the railway of the company hereby incorporated runs and in which a newspaper is published, but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Running
powers over
St. Mary's
River bridge.

Proviso.

30. The company may have full power to acquire the right to use or running powers over the bridge across the St. Mary's river so as to connect its railway with other railways on such terms as may be agreed upon: provided that the contracts or agreements in respect thereof shall be approved of by two-thirds of the shareholders voting either in person or by proxy at any special general meeting called for that purpose.

Telephone and
telegraph
lines.

31. The company may also construct a telephone line and an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telephone and telegraph lines, the powers conferred upon telegraph companies by *The Act Respecting Electric Telegraph*

Telegraph Companies (being chapter 158 of the Revised Statutes of Ontario, 1887,) are hereby conferred upon the said company.

Rev. Stat. c. 158.

32. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Power to erect snow fences.

Proviso.

33. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of conveyance.

34. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except, only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Rev. Stat. c. 170, incorporated.

35. The said railway shall be commenced within three years and completed within ten years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Time for commencement and completion of line.

SCHEDULE A.

(Section 33.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Sault Ste. Marie and Hudson's Bay Railway Company, the receipt whereof is hereby acknowledged,

acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway to hold, with the appurtenances unto the said Sault Ste. Marie and Hudson's Bay Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of 18 .

Signed, sealed and delivered }
in the presence of }

[L.S.]

CHAPTER 125.

An Act respecting the Southern Central Railway Company.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS by an Act of the Legislature of Ontario, passed in the fiftieth year of Her Majesty's reign, chaptered eighty-one, the Southern Central Railway Company was incorporated, and by section sixty-one of the said Act it was enacted that the railway proposed to be built by the said company should be commenced within three years and completed within five years from the passing thereof; and whereas the said company have as yet not been able to commence the said road, as provided by the said Act; and whereas the said company have prayed for further time to commence and complete the said road; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for
commence-
ment of work
extended.

1. The time for the commencement of the construction of the said line of railway is extended for the period of three years from the 23rd day of April, 1890, and the time for the completion thereof for five years from the said date.

CHAPTER

CHAPTER 126.

An Act respecting the Toronto, Hamilton and Buffalo Railway Company.

[Assented to 7th April, 1890.]

WHEREAS the Toronto, Hamilton and Buffalo Railway Company have petitioned for an Act making certain amendments to their Act of incorporation, and the Act amending the same; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 52 of the Act passed in the 47th year of Her Majesty's reign, chaptered 75, and entitled *An Act to incorporate the Toronto, Hamilton and Buffalo Railway Company*, is repealed and the following substituted therefor: 47 V. c. 75, s. 52, repealed.

52.—(1) The said railway company may make a lease or transfer of its road to the Michigan Central Railroad Company, or the Canada Southern Railway Company, or may make other traffic arrangements with either of those companies. Agreements with Michigan Central and Canada Southern Railway company.

(2) The said company shall not amalgamate with, or lease or sell to, or make pooling arrangements with, either the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, or the South Ontario Pacific Railway Company, or any company acting for or in the interest of either of those railway companies, or permit its lines of railway or any part thereof to come under the control of either of those companies, or of any company, person or persons acting for or in the interest of either of said railway companies. Company not to permit road to come under control of certain companies.

2. The capital of the said company shall be \$2,000,000, divided into 20,000 shares of \$100 each. Capital.

3. Section 36 of the said Act is amended by substituting therein for the words "two million dollars," the words following " \$40,000 per mile for each mile of the said railway constructed, or under contract to be constructed." 47 V., c. 75, s. 36, amended.

4. The said company is hereby authorized to extend its line of railway from a point at or near the city of Hamilton to a point in the county of Brant in or near the city of Brantford, or to a point connecting with the line of the Brantford, Waterloo and Lake Erie Railway Company. Extension of line.

47 V. c. 75, s. 2
amended.

5. Section 2 of the said Act passed in the 47th year of Her Majesty reign, is amended by inserting after the words "on the Niagara river," the words "or to a point at or near the town of Welland, in the county of Welland."

Conditions of
bonus from
city of Hamil-
ton.

6. If the proposed by-law of the city of Hamilton for granting a bonus of \$275,000 in aid of the Toronto, Hamilton and Buffalo Railway Company, which was published under the direction of the municipal council of the said city on the 5th day of March, 1890, shall receive the assent of the electors of said municipality, and shall be finally passed by the said municipal council, the said by-law and all the conditions contained therein shall be binding on the said company and all who may claim under them, and in the event of the lines proposed to be built by the said company from Hamilton to Welland, and from Hamilton to Toronto, or the connecting line from Hamilton through Brantford to Waterford mentioned in said by-law, or any part of said lines, coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company, or the South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interest of either of those companies, or being operated as part of, or in alliance with, any of said systems, or ceasing to be operated in connection with the Michigan Central system, the grant made by the said by-law to the said Toronto, Hamilton and Buffalo Railway Company shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge upon the Toronto, Hamilton and Buffalo Railway.

CHAPTER 127.

An Act respecting the Toronto Street Railway Company.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the Toronto Street Railway Company has by its petition prayed for certain amendments to its Act of incorporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to use
steam,
electricity
and cables.

1. From and after the passing of this Act the Toronto Street Railway Company shall, subject to the same restrictions and limitations as are placed and imposed upon the said company in respect of its user of the power and force of animals

animals by the Acts relating to the said company, have, possess and enjoy the right, privilege and power to take, transport and carry passengers upon its railways by the power and force of steam, electricity, cables, machinery or other motive power.

2. The said company is hereby further authorized and empowered for the purposes aforesaid, or any of them, to acquire, hold, mortgage, sell, lease or otherwise dispose of any real estate, and, subject to the restrictions and limitations aforesaid, to construct, maintain and operate such railways, plant, works, buildings and machinery as are required for any or all of the purposes aforesaid. Power to acquire and hold necessary property.

3.—(1) The powers by this Act conferred, shall not be exercised until after the consent and authority of the city of Toronto shall first have been had, and obtained thereto, and the said city is hereby authorized and empowered to give such consent and authority upon such terms and conditions as may be agreed upon between the said city and the said company. Powers under Act not to be exercised without consent of city.

(2) No power by this Act conferred on the company nor any property acquired by the company hereunder, shall be considered an asset of this company or be taken into account, in arriving at the value of the property of the said company in the arbitration between the city and the company provided for in the 18th resolution recited in the agreement between the said city and one Easton on the 26th day of March, A.D., 1861. Power and property acquired under Act not to be deemed assets.

CHAPTER 128.

An Act to further amend the Act incorporating the Canada Landed Credit Company.

[Assented to 7th April, 1890.]

WHEREAS the Canada Landed Credit Company have petitioned that an Act may be passed to amend the Act passed in the 22nd year of Her Majesty's reign and chaptered 133 and to extend the powers conferred on the said company, and to empower the said company to issue debenture stock and to lend moneys on the security of leasehold estates and interests and to reduce the number of their directors and to purchase the assets of or to amalgamate with any other company of the like nature and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Power to reduce number of directors.

1. The directors of the said company may by by-law or by-laws, from time to time, reduce their number from twelve, provided that the number of said directors shall not be less than seven.

Power to lend on leasehold security.

2. It shall be lawful for the company, from time to time, and at any time to lend and advance money by way of loan or otherwise for such periods, upon such terms, and at such rate of interest as the directors may think expedient upon the security of messuages, lands, tenements and hereditaments of any tenure and immovable property of any kind.

Power to issue debenture stock.

3. The directors of the said company may, from time to time, with the consent of a majority of the shareholders, present in person or represented by proxy at a meeting specially called for such purpose, issue debenture stock, which shall be treated and considered as a part of the regular debenture debt authorized by the said Act in such amounts and manner, on such terms and bearing such rate of interest as the directors, may from time to time, think proper, but subject to the limitations in the said Act, chapter 133, and the several Acts amending the same contained, and so that the amount of money received on deposit together with the money borrowed on the security of debentures, mortgages, bonds or other instruments, or debenture stock, shall not in the whole exceed the aggregate amount fixed by the said Acts as the authorized limit of the borrowing powers of the company.

Debenture stock, how ranked.

4. The debenture stock to be issued under the authority of this Act shall rank equally with the debentures issued, or to be issued by the company, and the holders thereof shall not be liable or answerable for any debts or liabilities of the company.

Register of debenture stock to be kept.

5. The company shall cause entries of the debenture stock, from time to time created, to be made in a register to be kept for that purpose at their head office, wherein they shall enter the names and addresses of the several persons and co-partners, from time to time, entitled to the debenture stock, with the respective amounts of the stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the company, without the payment of any fee or charge.

Transfers of debenture stock to be registered.

6. All transfers of the debenture stock of the company shall be registered at the head office of the company, but the company may have transfer books of such debenture stock in

Great

Great Britain and Ireland, in which transfers of the said stock may be made; but all such transfers shall be entered in the book to be kept at the head office.

7. The company shall deliver to every holder of debenture stock a certificate stating the amount of the debenture stock held by him, the rate of interest payable thereon; and all regulations and provisions for the time being applicable to certificates of shares in the capital stock of the company shall apply, *mutatis mutandis*, to certificates of debenture stock.

Certificates to be given to debenture stockholders.

8. Debenture stock shall not entitle the holder thereof to be present or to vote at any meeting of the company, or confer any qualification, but shall, in all respects not otherwise by or under this Act provided for, be considered as entitling the holders to the rights and powers of mortgagees of the under taking, except the right to require re-payment of the principal money paid up in respect of the debenture stock.

Rights and powers of debenture stockholders.

9. The directors of said company may at any time in the interests of the said company buy up and cancel said debenture stock or any part thereof.

Debenture stock may be bought up and cancelled.

10. The company may unite, amalgamate and consolidate its stock, property, business and franchises with those of any other company or society incorporated or chartered to transact a like business and any other business in connection with such business, or with those of any building, savings or loan company or society heretofore or hereafter incorporated or chartered, or may sell its assets to any such other company or society, which may be authorized to purchase the same, or may purchase the assets of any other such company or society, which may be authorized to sell the same, and for the purpose of carrying out such purpose or sale, the company so purchasing may assume the liabilities of the company so selling, and may enter into such bond or agreement of indemnity with the company or the individual shareholders thereof or both as may be necessary, and may enter into all contracts and agreements necessary to such union, amalgamation, consolidation, sale, purchase or acquisition.

Power to amalgamate with other companies.

11. The directors of the company and of any other such company or society may enter into a joint agreement under the corporate seals of each of the said corporations for the union, amalgamation or consolidation of the said corporations, or for the sale by the company of its assets to any other such company or society, or for the purchase or acquisition by the company of the assets of any such company or society, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of directors and other officers thereof, and who shall be the first directors and officers thereof, the manner of converting the capital

Agreements with other companies.

capital stock of each of the said corporations into that of the new corporation, with such other details as they deem necessary to perfect such new organization and the union, amalgamation and consolidation of the said corporations and the after management and working thereof, or the terms or mode of payment for the assets of the company by any other such company or society purchasing the same, or for the assets of any other such company or society purchased or acquired by the company

Agreements
to be submit-
ed to share-
holders.

12. Such agreement, or if no agreement has been entered into, but an offer has been made by another company or society under its corporate seal for the purchase of the assets of the company, or if the company has made any offer under its corporate seal for the purchase of the assets of another company or society, then such offer, shall be submitted to the shareholders of each of the said corporations at a meeting thereof to be held separately for the purpose of taking the same into consideration.

Notice of
meetings.

13. Notice of the time and place of such meetings and the object thereof, shall be given by written or printed notices addressed to each shareholder of the said corporations respectively, at his last known postoffice address or place of residence, and also by a general notice inserted in a newspaper published at the chief place of business of such corporations once a week for six successive weeks.

Voting at
meetings.

14. At such meetings of shareholders such agreement or offer shall be considered and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, unless otherwise provided by the by-laws of the said respective corporations, and the said ballots being cast in person or by proxy; and if two-thirds of the votes of all the shareholders of such corporations representing not less than two-thirds in value of the paid up capital stock of each shall be for the adoption of such agreement, or the adoption or acceptance of such offer then that fact shall be certified upon the said agreement or offer by the secretary or manager of each of such corporations under the corporate seal thereof.

Agreement
adopted to be
filed with
Provincial
Secretary.

15. If the said agreement is so adopted or the said offer so adopted and accepted at the respective meetings of the shareholders of each of the said corporations, the agreement so adopted or the offer so adopted and accepted and the said certificates thereon shall be filed in the office of the Provincial Secretary of the Province of Ontario, and the said agreement and act of union, amalgamation and consolidation of the said corporations, or the agreement and deed of purchase and acquisition of the assets of the company by such other company or society so purchasing; or by the company of the assets of the company or society so selling, as the case may be; and
the

the assets of the company selling shall thereupon without any further conveyance, become absolutely vested in the company purchasing, and the company purchasing shall thereupon become and be responsible for the liabilities of the company or society so selling, the whole as fully and effectually to all intents and purposes as if a special Act were passed with that object; and in dealing with the assets of the company selling it shall be sufficient for the company purchasing to recite the said agreement and the filing thereof in the office of the said Provincial Secretary.

16. A copy of such agreement or offer so filed and of the certificates thereon properly certified shall be evidence of the existence of such new corporation or of such purchase and acquisition. Copy of agreement filed to be evidence.

17. Due proof of the foregoing facts shall be laid before the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may issue letters patent to the new corporation, and notice thereof shall be duly published by the said Provincial Secretary in the *Ontario Gazette*, after which the new corporation may transact business. Issue of letters patent to new company.

18. The shareholders who may vote at such meetings shall be those only whose names are duly entered in the books of the respective corporations at the date of the first publication of the notices calling such meetings, and they shall vote upon the shares only then standing in their respective names. Who may vote at meetings.

19. So much of the said Act passed in the 22nd year of Her Majesty's reign, chaptered 133 and the amendments thereof, as may be inconsistent with or repugnant to the provisions of this Act are hereby repealed. Repeal of inconsistent provisions.

CHAPTER 129.

An Act respecting the Central Canada Loan and Savings Company of Ontario.

[Assented to 7th April, 1890.]

WHEREAS the Central Canada Loan and Savings Company of Ontario, have by their petition represented that the said company is incorporated under *The Ontario Joint Stock Companies Letters Patent Act*, with a capital stock of \$2,000,000; and whereas the said company has entered into an agreement with the Peterborough Real Estate Investment Company (Limited), a company incorporated under the Canada Preamble.
the

Joint Stock Companies Act, 1887, for the purchase of all the assets of the last mentioned company, and the agreement for said purchase and sale of said assets made by the directors of the said several companies has been duly ratified and confirmed by more than two-thirds of the shareholders of the several companies at special meetings of the shareholders of each company duly called for the purpose; and whereas the agreement aforesaid has been fully carried out, and the purchase money for said assets duly paid, and all the liabilities of the last named company assumed by the said first named company; and whereas it is necessary to increase the capital stock of the Central Canada Loan and Savings Company of Ontario, and the said company by their said petition have prayed that an Act may be passed for the purpose aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Capital stock increased.

1. The capital stock of the Central Canada Loan and Savings Company of Ontario is hereby declared to be \$5,000,000 divided into 50,000 shares of \$100 each.

Agreement confirmed.

2. The sale and purchase of the entire assets of the Peterborough Real Estate Investment Company (Limited) are hereby confirmed.

Property of Peterborough Real Estate Investment Co. vested in Central Canada Loan and Savings Co.

3. All the indentures of mortgage, the covenants, powers, authorities and agreements therein contained, and the moneys thereby secured, and the lands thereby conveyed, and all lands and tenements which were on the 24th day of July, A.D. 1889, or are now vested in or owned or intended to be vested in or owned by the Peterborough Real Estate Investment Company (Limited) and all other the lands and assets of the said company of every kind, save the purchase moneys for the said securities and assets, for all the estate and interest of the said The Peterborough Real Estate Investment Company (Limited) and subject only to the lien in favor of the debenture holders, the creditors of the said The Peterborough Real Estate Investment Company (Limited) are hereby vested in, and declared to be the property of the said The Central Canada Loan and Savings Company of Ontario, as fully and to the same extent, and for the same estate as if the said mortgages, lands and other securities had been originally conveyed to, taken by or made to the said The Central Canada Loan and Savings Company of Ontario. And said company shall be entitled to deal with, sell, collect, sue or otherwise proceed on said mortgages and securities, and to convey, assign, discharge or release the same in the name of the said The Central Canada Loan and Savings Company of Ontario as fully as the said The Peterborough Real Estate Investment Company (Limited) might do if this Act had not been passed.

4. All the said securities, lands and assets by this Act vested in the said The Central Canada Loan and Savings Company of Ontario and all other securities, lands and assets of the said company hereafter held by them in the Province of Ontario which shall arise out of the re-investment of the moneys coming in, upon, or from said securities shall stand charged with, and shall be subject to a lien as for unpaid purchase money in favor of all the holders of the debentures owned by The Peterborough Real Estate Investment Company (Limited). And the said debenture holders are hereby declared to be severally the creditors of the said The Central Canada Loan and Savings Company of Ontario, to the extent of their several and respective claims against The Peterborough Real Estate Investment Company (Limited) and interest thereon, and to be severally entitled to enforce the said lien against the said securities, lands and assets upon default of payment of principal or interest, or any part thereof. Provided the discharge of the mortgages and other securities, and the sale of lands or other assets by The Central Canada Loan and Savings Company of Ontario in the ordinary course of realizing the moneys payable in respect thereof, shall be final and absolute notwithstanding the said lien.

Lien of holders of debentures of Peterborough Real Estate Investment Co.

Proviso.

5. The directors of said company may issue debenture stock which shall be treated and considered as part of the regular debenture debt of the company, in such amounts and manner, on such terms, and bearing such rate of interest as the directors from time to time think proper, but so that the amounts received as money deposits and borrowed on the security of debentures or debenture stock or otherwise shall not in the whole exceed the authorized limit of the borrowing powers of the company.

Issue of debenture stock authorized.

6. The debenture stock aforesaid shall be entered by the company in a register to be kept for that purpose in the head office of the company, wherein shall be set forth the names and addresses of the several persons and corporations from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled, and such stock shall be transferable in such amounts and in such manner as the directors may determine.

Register of debenture stock to be kept.

7. The Company shall, on demand, deliver to every holder aforesaid, a certificate stating the amount of debenture stock held by him, and the rate of interest payable thereon, and the terms and conditions to which the said stock is subject, but no other rights or privileges shall be conferred on holders of debenture stock in respect thereof than are held or enjoyed by holders of debentures of the company.

Debenture stockholders to receive certificate.

8. All transfers of debenture stock of the company shall be registered at the head office of the company, and not elsewhere,

Registration of transfers of debenture stock.

but the said transfers may be left with such agent or agents in the United Kingdom of Great Britain and Ireland as the company appoints for that purpose, for transmission to the company's head office for registration.

Exchange of debentures for debenture stock.

9. The holders of the debentures of the company may with the consent of the directors at any time exchange such debentures for debenture stock.

Debenture stock how ranked.

10. The debenture stock issued or to be issued, under the authority of this Act, shall rank equally with the debentures issued or to be issued by the company.

Cancellation of debenture stock.

11. The company having issued debenture stock may from time to time, as they think fit, and for the interest of the company, but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof.

Assent of shareholders to issue of debenture stock.

12. The directors before the issue of debenture stock under the provisions of this Act shall first obtain the consent of the shareholders present at a general meeting specially called for that purpose.

Agencies in United Kingdom.

13. The company may have an agency or agencies in any city or cities in England, Scotland or Ireland, and any by-law passed for such purpose shall not be altered or repealed excepting by a vote of two-thirds of the shareholders present, or represented by proxy, at a special meeting to be called for that purpose; nor unless the notice calling such meeting be published once a week for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the company has any agency.

Company not bound to see to execution of trusts.

14. The said company shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any share or shares of its stock, or debenture stock, or to which any deposit or any other moneys payable by or in the hands of such company, may be subject: and the receipt of the party or parties in whose name such share or shares, debenture stock or moneys stand in the books of the company, shall, from time to time, be sufficient discharge to the company for any payment of any kind made in respect of such share or shares, stock or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the company has had notice of such trust; and the company shall not be bound to see to the application of the money paid upon such receipt.

Extent of borrowing powers.

15. The said company may issue debentures to such an amount as, with all the other liabilities of the company to the public, shall be equal to double the amount of the paid up capital or shares not liable to be withdrawn therefrom, together with a further sum which may be equal to but shall not

not exceed the amount unpaid upon the subscribed capital upon which not less than twenty per cent. has been paid; provided, that in no case shall the total liabilities to the public exceed three times the amount paid on the subscribed stock of the company; provided, that nothing in this Act contained shall in any way impair or affect the validity of any debentures issued by the said company pursuant to the provisions of any Act in that behalf, prior to the passage of this Act.

CHAPTER 130.

An Act to confer upon The Chatham Waterworks Company power to borrow \$150,000.

[Assented to 7th April, 1890.]

WHEREAS The Chatham Waterworks Company have Preamble. petitioned that an Act may be passed authorizing them to borrow a sum not exceeding \$150,000 under the provisions of the *Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water*, being chapter 164 of the Revised Statutes of Ontario, 1887, instead of the sum of \$80,000 limited by the said Act; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Chatham Waterworks Company of the town of Chatham, in the county of Kent, and Province of Ontario, are hereby authorized and empowered to borrow from any person or persons, body or bodies politic or corporate, or associated as a company or co-partnership, either in this Province or out of it, a sum or sums of money not exceeding in the whole the sum of \$150,000, at any rate of interest in conformity with the laws of Canada, that the president and directors of the company deem necessary. Power to borrow \$150,000.

2. The provisions of sections 71, 73, 74, 75, 76, 77, 78, 79 and 80, of chapter 164, of the Revised Statutes of Ontario, 1887, and all other powers and provisions of the said Act relating to, or applicable to the raising or borrowing of money, are incorporated with, and form a part of this Act, and shall apply to, and are conferred upon the said the Chatham Waterworks Company, except only in so far as they are inconsistent with the express enactments hereof: and the expression "this Act," when used herein shall include the clauses of the said Act, chaptered 164, of the Revised Statutes of Ontario, 1887, so incorporated with this Act. Certain provisions of Rev. Stat. c. 164, incorporated.

CHAPTER 131.

An Act respecting the Hamilton Gas Light Company.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the Hamilton Gas Light Company, have by their petition, prayed to have their borrowing powers extended, and for certain other amendments to their Act of incorporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

13 & 14 V.
c. 136, ss. 3, 4
and 40 re-
pealed.

1. Sections 3, 4 and 40 of the Act incorporating the company, intituled "*An Act to Incorporate the Hamilton Gas Light Company*," passed in the session held in the thirteenth and fourteenth years of Her Majesty's reign, chaptered 136, are hereby repealed.

Borrowing
powers.

2. It shall be lawful for the Hamilton Gas Light Company to borrow on debentures or bonds, either without security or secured by mortgage, or other real or personal security, any sum or sums, not exceeding in the whole, \$200,000, at such rate of interest, and upon such terms and conditions as the company may deem advisable, and, if so agreed, to secure the moneys so borrowed as the company may determine on all or any part of their estate, real or personal property or both, and all moneys so borrowed or raised shall be applied to the purposes of the company, and if after having borrowed the whole or any part of such money, the company pay off the same, or any portion thereof, it shall be lawful for the company again to borrow the amount so paid off, and so on from time to time to borrow or re-pay as occasion shall require: Provided that the total indebtedness of the company for moneys borrowed under this clause, shall not at any one time exceed the sum of \$200,000: Provided always that the consent of three-fourths in value, of the stock-holders of the company, present or represented by proxy, at a special meeting to be called and held for that purpose, shall be obtained before the powers authorised by this section are exercised.

Proviso.

Proviso.

Bonds and
debentures to
be personalty.

3. The bonds or debentures authorised to be issued either with or without security as aforesaid, shall be personal estate, and shall rank and be entitled to be paid proportionately to the amounts secured thereby, and no bond or debenture shall have priority or preference over another, by reason of the priority of the date of any such bond or issue, or of the meet-
ing

ing at which the same was authorised or otherwise howsoever, and such bonds or debentures shall be in such form and payable to bearer, or otherwise at such date or dates and with or without interest, as the directors may determine from time to time: Provided further, that notwithstanding the said mortgage and charge (if any) the company may, so long as there shall be no default in payment of the interest upon any of such borrowed money, sell any surplus lands or other property of the company, not then required for the use of the company and give a good title thereto to the purchaser or purchasers thereof, free from all incumbrance in respect of the money so borrowed, and may apply the proceeds of such sale to the purposes of the company, and in the event of a mortgage being given to any trustee or trustees to secure the payment of said bonds or debentures, such trustees, shall, if required by the company, join in the conveyance of the said surplus lands or other property to the purchaser or purchasers thereof, for the purpose of releasing the same from said mortgage.

4. The total yearly value of the lands and real property to be held by the company, for the purpose of its business at any one time shall not (over and above the value of the works erected thereon) exceed \$10,000.

Proviso.

Annual value of realty not to exceed \$10,000.

CHAPTER 132.

An Act to amend the Acts relating to the Land Security Company.

[Assented to 7th April, 1890.]

WHEREAS The Land Security Company has petitioned that an Act may be passed amending the Acts incorporating and relating to the said company, by providing for cases of transmission of shares, debentures and debenture stock, by death, or by means other than by transfer, and by authorizing investments in debentures of the said company, and by authorizing the shareholders to further increase the capital stock of the said company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. If the interest of any person in any share in the capital stock or in any debenture, debenture stock, bond or obligation of the said company (such debenture, debenture stock, bond or obligation not being payable to bearer) is transmitted in consequence

Preamble.

Declaration of transferee on transmission of shares by death, etc.

sequence of the death, bankruptcy or insolvency of such person, or by other lawful means other than a transfer upon the books of the said company, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the said company, or to recognize such transmission in any manner until a declaration in writing showing the nature of such transmission, and signed and executed by the person or persons claiming by virtue of such transmission, and also executed by the former holder, if living, and having power to execute the same, shall have been filed with the manager of the company, and approved by the directors, and if the declaration purporting to be signed and executed shall also purport to be made or acknowledged in the presence of a notary public, or a judge of a court of record, or a mayor of any city, town or borough, or other place, or a British consul or vice-consul, or other accredited representative of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to the declaration and (unless the directors are not satisfied with the responsibility of the transferee) shall allow the name of the party claiming by virtue of the transmission to be entered in the books of the company.

Proof of transmission of interest on death.

2. If the transmission takes place by virtue of any testamentary act or instrument, or in consequence of any intestacy, the probate of the will, or letters of administration, or testamentary, or other judicial or official document under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased, shall purport to be granted by any court or authority in the Dominion of Canada, or in Great Britain or Ireland, or any other of Her Majesty's dominions, or in any foreign country, or an authenticated copy thereof or official extract therefrom, shall, together with the declaration, be produced and deposited with the manager or other officer named by the directors for the purpose of receiving the same, and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, debenture, debenture stock, coupon, bond or obligation or share, or transferring or consenting to the transfer of any debenture, debenture stock, bond or obligation or share, in pursuance of or in conformity to such probate, letters of administration, or other document as aforesaid.

Directors may take opinion of court as to legality of claims.

3. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such share or shares, debenture, debenture stock, bond, obligation, dividend, coupon or proceeds thereof, then and in such case it shall be lawful for the company to file in the High Court of Justice for Ontario, a petition stating such doubt, and praying for an order or judgment adjudicating and awarding the said shares, debentures,

debentures, debenture stock, bond, obligation, dividend, coupon or proceeds to the party or parties legally entitled to the same, and such court shall have authority to restrain any action or proceedings against the company, the directors or officers thereof for the same subject matter, pending the determination of the petition, and the company and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, claims and demands in respect of the matters which shall have been in question in such petition, and the proceedings thereupon; provided always that if the court adjudges that such doubts were reasonable, the costs, charges and expenses of the company Costs. in and about such petition and proceedings shall form a lien upon such shares, debentures, debenture stock, bonds or obligations, dividends, coupons or proceeds, and shall be paid to the company before the company shall be obliged to transfer, assent to the transfer, or to pay any such shares, debentures, debenture stock, bonds, obligations, dividends, coupons or proceeds to the person or persons found entitled thereto.

4. The provisions of this Act shall for all purposes extend Rights of aliens, etc. to aliens, denizens and females and co-partners, and corporate bodies may hold shares in the company.

5. The capital stock of the company may be increased from time to time by resolution passed by two-thirds of the shareholders present, or represented by proxy, at a special meeting of the shareholders called for the purpose of considering such resolution to an amount not exceeding \$5,000,000. Power to increase capital stock.

6. The company shall not be bound to see to the execution of any trust whether expressed, implied or constructive to which any share or shares of its stock, or to which any deposit or any other moneys payable by or in the hands of the company or any bonds, debentures or debenture stock issued by the company may be subject; and the receipt of the party or parties in whose name such share or shares, moneys, bonds, debentures or debenture stock may be held or stand in the books of the company shall, from time to time, be sufficient discharge to the company for any payment of any kind made in respect of the same, notwithstanding any trust to which the same may then be subject, and whether or not the company has had notice of such trust, and the company shall not be bound to see to the application of the money paid upon such receipt. Company not bound to see to execution of trusts.

7. The Acts incorporating and relating to the company are hereby amended as in this Act set forth. Amendment of former provisions.

CHAPTER 133.

An Act respecting The Sarnia Gas Company.

[Assented to 7th April, 1890.]

Preamble

WHEREAS the Sarnia Consumers' Gas Company has by its petition set forth that it did not within three years after the passing of the Act, chaptered 56, passed in the 44th year of the reign of Her Majesty, intituled "An Act to change the name of The Sarnia Gas Company, to confirm a by-law of the Town of Sarnia, and to extend the powers of said Company," commence to supply gas to the said corporation of the town of Sarnia, as required by section 4 of the said recited Act, but that the said company did commence to supply gas to the said corporation of the town of Sarnia and to the inhabitants thereof, in such quantity as was required, in or about the month of October, 1884, being about three years and seven months after the passage of said recited Act, and that it has continuously from said date, and now is supplying the said corporation of the town of Sarnia and the inhabitants thereof with gas, in such quantity as is required, at a rate agreed upon between the said corporation and the said company, and to the said inhabitants thereof, at the same rate as is charged by said company to the shareholders thereof, who are consumers of gas; that in the purchase of real estate for the location of its works in the said town of Sarnia, and in construction and equipment of such works it has from time to time expended large sums of money, the aggregate of such expenditure now reaching to nearly \$35,000; and whereas the said company has represented that it intends lighting the town of Sarnia by means of electricity distributed by conductors placed under ground and that in order to obtain moneys to purchase the electric plant and appliances required for this purpose it will be necessary for the said company to sell additional of its capital stock, but as doubts have been expressed as to the company's franchises, powers, rights, privileges, authorities, and immunities, by reason of its not supplying gas to the corporation of the said Town of Sarnia, within the three years limited by said recited Act, the sale of such additional capital stock cannot well be effected until such doubts are removed; and whereas the said company has, by its said petition, also set forth that the Honourable Alexander Vidal and certain other persons, incorporated in the year 1878 as a gas company, by the name of The Sarnia Gas Company, and the said The Sarnia Gas Company referred to in the 5th section of the above recited Act, did by deed of assignment, bearing date the 17th day of February, 1886, grant, assign, transfer and confirm unto the said The Sarnia Consumers' Gas Company, all their, and each of their rights, interests, shares

shares and claims in and to the charter incorporating the said the Honourable Alexander Vidal and others as The Sarnia Gas Company, and to the by-law of the town of Sarnia in said deed of assignment referred to, and also all the benefits, privileges, and advantages of, or arising out of, or to be derived from the said charter and by-law to hold the same unto the said The Sarnia Consumers' Gas Company, its successors and assigns absolutely; and whereas the said company has also by the said petition further set forth that the said, The Sarnia Gas Company so incorporated by the Honourable Alexander Vidal and others, never went into actual operation; and whereas the said The Sarnia Consumers' Gas Company have petitioned that an Act may be passed to amend the said Act passed in the 44th year of the reign of Her Majesty, chaptered 56, and declaring that the failure of the said company to comply with the conditions of section 4 of the said recited Act within the times thereby limited, has not dissolved the said company, nor worked a forfeiture of its franchises, powers, rights, privileges, authorities and immunities, or any of them, and that the said deed of assignment from the said the Honourable Alexander Vidal and others and The Sarnia Gas Company so incorporated by them to the said The Sarnia Consumers' Gas Company, may be declared legal, valid and binding, and sufficient to effectually transfer to, convey and vest in the said The Sarnia Consumers' Gas Company the charter of the said The Sarnia Gas Company so incorporated by the said the Honourable Alexander Vidal and others and all its franchises, powers, rights, privileges, authorities and immunities; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said the Sarnia Consumers' Gas Company is now and has always been since the passing of the by-law of the town of Sarnia, confirmed by the said Act passed in the 44th year of the reign of Her Majesty, chaptered 56 a body politic and corporate under the name of The Sarnia Consumers' Gas Company, having all franchises, powers, rights, privileges authorities and immunities as fully and effectually to all intents and purposes as if the said company had complied with the conditions of section 4 of the said Act so passed in the said 44th year of Her Majesty's reign, chaptered 56 within the times thereby limited.

Existence of corporation affirmed.

2. The said The Sarnia Consumers' Gas Company shall, after the expiration of three years from the passing of this Act upon the request of the corporation of the town of Sarnia and within six months after such request shall have been made by said corporation to said company supply to said corporation by an efficient system of electricity distributed by means

Company to supply electric lights.

means of conductors placed under ground such number of electric lights of such candle power as the said corporation shall from time to time require and at such price as shall from time to time be agreed upon between the said company and the said corporation, not in excess of the price per candle power charged to private consumers, and the said company shall also supply to such of the inhabitants of the said town of Sarnia such number of electric lights of such candle power as the said inhabitants shall from time to time require and at the same price as shall from time to time be charged by said company to its shareholders who are users of such electric lights; Provided always that the said company may supply such electric lights to the said corporation and the inhabitants thereof at any time before the expiration of three years from the passing of this Act if the said company sees fit to do so.

Deed from
Sarnia Gas
Company, and
others to
Sarnia
Consumers'
Gas Company
confirmed.

3. The said deed of assignment bearing date the seventeenth day of February, 1886, made between the Sarnia Gas Company of the first part, the Honourable Alexander Vidal and others of the second part and the said the Sarnia Consumers' Gas Company of the third part in the preamble referred to, is hereby ratified and confirmed and declared to be valid and effectual and shall be deemed to transfer, convey to and vest in the said The Sarnia Consumers' Gas Company, the charter and all the franchises, powers, rights, privileges, authorities and immunities of the said The Sarnia Gas Company, so incorporated by the said the Honourable Alexander Vidal and others to all intents and purposes whatsoever.

44 V., c. 56, s.
5 repealed.

4. Section 5 of the said Act, passed in the 44th year of Her Majesty's Reign, chapter 56, is hereby repealed.

CHAPTER 134.

An Act respecting the New York Life Insurance Company.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the New York Life Insurance Company, a corporation duly incorporated according to the laws of the State of New York, have by their petition represented that they carry on the business of life insurance throughout the Dominion of Canada, including the Province of Ontario, in accordance with a license to them duly granted under the provisions of *The Insurance Act* of the Dominion of Canada, and further that they are desirous of investing a portion of their funds in mortgages on real and leasehold estate within said Province, and in other securities within the Province in which insurance

insurance companies usually invest their funds, and also are desirous of acquiring real estate within the said Province for the purposes of their business; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The New York Life Insurance Company may hereafter in its said corporate name, on such terms and conditions as may be satisfactory to said company, lend and advance money by way of loan or otherwise on the security of real estate in the Province of Ontario, and may within the said Province lend or advance money on the public securities of Canada or any of the Provinces thereof, or on the security of debentures of any municipal or other corporation of the Province of Ontario, and whether the same are a charge on real estate or not, or upon such stocks or bonds or other securities as the company are authorized to hold or lend money upon, and may buy or sell any mortgage or pledge of freehold or leasehold lands within said Province, and may advance or loan money on such securities, and sell, assign or dispose of same or any thereof from time to time, and execute all necessary deeds and instruments.

Power to lend money in Ontario.

2. The said company may, in its said corporate name, proceed on such mortgages or securities as they are hereby authorized to invest in for the recovery of the moneys thereby secured, and generally may in its corporate name pursue the same course, exercise the same powers, and use and take the same remedies to enforce payment of any debt or demand due to the said company, as any person may by law take or use for the like purpose.

Power to recover money loaned.

3. The said company may from time to time acquire and hold such real or leasehold property in the said Province of Ontario as they may require for the purposes of their business as a life insurance company, or as may be acquired by them by foreclosure or otherwise in the realization of or for the protection of their investments, and may from time to time sell, mortgage, lease or otherwise dispose of the same.

Power to acquire real estate for business purposes.

4. The said company shall sell or dispose of real estate to which it may acquire a title in fee simple by foreclosure or by the release of the equity of redemption therein within seven years from the date of the foreclosure or release, and any real estate which is not within the said period disposed of as hereinbefore required, shall be forfeited to and become vested in the Crown: Provided always that this section shall not apply to any real estate acquired by the company for the purposes of their business.

Company not to hold real estate for more than seven years.

Proviso.

CHAPTER 135.

An Act respecting the Ontario and Sault Ste. Marie Water, Light and Power Company, and the Town of Sault Ste. Marie.

[Assented to 7th April, 1890.]

Preamble,

WHEREAS the Ontario and Sault Ste. Marie Water, Light and Power Company, hereinafter called the company, and the corporation of the town of Sault Ste. Marie, hereinafter called the corporation, have petitioned praying that an Act may be passed to confirm and legalize an agreement made and entered into by and between the said company and other parties therein named of the first part, and the said corporation of the second part, on the ninth day of December, A.D. 1889, and a by-law of the said corporation, passed on the 14th day of January, A.D. 1890, entitled "By-law No. 157, to aid the Ontario and Sault Ste. Marie Water, Light and Power Company, and to provide for subscribing to and taking stock in said company, and to provide for the issue and sale of debentures to the amount of \$105,000 to pay for the stock so to be subscribed for and taken," a copy of which agreement and by-law is contained in the schedules "A" and "B" to this Act; and whereas the said company and the said corporation, by their said petition, have represented that it is to the advantage of the said corporation, as well as just and right, that the said agreement and the said by-law number 157 should be ratified, legalized and confirmed, and that the said company and corporation should be granted such legislation as may be proper and necessary to enable them respectively to carry the said agreement and by-law into effect; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation of "company" and "corporation."

1. The words "company" and "corporation" where occurring in this Act mean respectively The Ontario and Sault Ste. Marie Water, Light and Power Company, and the corporation of the town of Sault Ste. Marie, unless a contrary intention appears.

Town may take stock in company.

2. It shall be lawful for the said corporation to subscribe for and take stock in the company and pay all calls which may be duly made thereon to the extent and in the manner provided in the agreement, schedule "A" hereto, and the by-law number 157 schedule "B" hereto.

3.—(1) The said agreement made the ninth day of December, A.D. 1889, between The Ontario and Sault Ste. Marie Water, Light and Power Company, and James Conmee, Robert Baldwin Hamilton, John James Kehoe, William Henry Plummer, Henry Coulthard Hamilton, and Nathan M. Neeld, of the first part, and the corporation of the town of Sault Ste. Marie, of the second part, in the preamble of this Act mentioned, and which said agreement is set out in the schedule "A" to this Act, is hereby confirmed, except so much of the fifth clause thereof as relates to the qualification of directors to be elected by the electors of the said town of Sault Ste. Marie and the council of the corporation of said town, and is declared to be valid and binding upon the said corporation, and the said other parties thereto, and upon all other persons interested therein notwithstanding anything in any Act to the contrary contained.

Agreement of
9th December,
1889, con-
firmed.

(2) Immediately after the passing of this Act and the re-organization of the company as hereinafter provided, the company shall, out of the first moneys which may be paid into the treasury thereof, on account of subscriptions to the capital stock thereof, or otherwise, pay to the said James Conmee, Robert Baldwin Hamilton, John James Kehoe, William Henry Plummer, Henry Coulthard Hamilton, and Nathan M. Neeld, the sum of \$25,000 mentioned in the said agreement (Schedule "A" hereto), as payable within three months from the date thereof, and shall, so soon as the total amount due to the said present members of the company for cash advances, interest on money advanced, and services rendered shall have been agreed on or ascertained by arbitration under the provisions of *The Municipal Act*, pursuant to the provisions of said agreement, allot to the present members of the company, namely, James Conmee, Robert Baldwin Hamilton, John James Kehoe, William Henry Plummer, Henry Coulthard Hamilton, and Nathan M. Neeld, respectively, capital stock of the said company, fifty per cent. paid up, to each, such amount as may be directed in writing, signed by all of said present members hereinbefore named, to satisfy any sum of money which may be coming to him under the terms of said agreement, and such stock so to be allotted shall not be further assessable until after the same shall have been acquired by, paid for, and transferred to the corporation of the town of Sault Ste. Marie, or its nominee under the provisions of said agreement; and it shall be lawful for the said corporation to endorse on said stock an undertaking to purchase and pay for said stock the amount actually paid thereon, together with interest on such amount, at the rate of seven per cent. per annum, from the 9th day of December, 1889, under the terms of said agreement (schedule "A" hereto).

Payment to
present mem-
bers.

Rev. Stat. c.
184.

(3) It shall and may be lawful for the council of the town of Sault Ste. Marie, to pass a by-law or by-laws providing for borrowing by the issue and sale of debentures of said town,

Issue of de-
bentures of
town author-
ized.

town, such sums of money as may be required to enable the corporation to carry out the agreement on its part relating to the purchase and acceptance of capital stock of the company which may be allotted to present members of the company, as set forth in the second clause of the said agreement (schedule "A" hereto), and it shall not be necessary to obtain the assent of the electors of the town of Sault Ste. Marie, to such by-law or by-laws before the final passing thereof.

By-law No. 157
confirmed.

4. The by-law number 157 of the corporation of the town of Sault Ste. Marie entitled as in the preamble to this Act recited, and which said by-law is set out in the schedule "B" to this Act, is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said town of Sault Ste. Marie, and the ratepayers thereof notwithstanding anything in any Act to the contrary contained.

Rights and
liabilities of
corporation as
to stock sub-
scribed for.

5. The said corporation shall, after having subscribed for and taken stock in the said company in manner provided in said agreement and by-law, through the mayor under the corporate seal of the said town, become and be and remain liable with reference to the stock so subscribed for and taken in the company in all respects as an individual would be, and shall, subject to the provisions of said agreement (schedule "A") and of this Act, possess the same rights and privileges as such individual shareholder.

Board of direc-
tors, how
elected.

6. The board of directors of the said company shall, after the passing of this Act, and after the subscription to the capital stock of the company shall have been made by the corporation pursuant to the said agreement and by-law number 157 consist of (1) the mayor or other head of the said town of Sault Ste. Marie for the time being, or such other member of the council of the said town as the said council may by by-law appoint as hereinafter provided. (2) Four directors to be elected annually by the municipal electors of the town of Sault Ste. Marie, as also hereinafter provided. (3) One director representing those persons who constituted the company on the ninth day of December, 1889, so long as such persons are entitled to distinct representation on the board of directors of the company under the terms of said agreement, (Schedule "A"); and all other persons and corporations holding stock in the said company other than the persons and corporation mentioned in said agreement, shall be entitled collectively to be represented on the said board of directors, and to elect annually one director for the first \$50,000 or under of the capital stock of the company which may be subscribed for and held by them, and one director for each additional \$50,000 or fraction thereof of such capital stock which may be so subscribed for and held by them.

7. No person who is a member of the council of the town of Sault Ste. Marie shall be qualified to be elected on behalf of the said corporation by the municipal electors under the provisions of the said agreement and of this Act as a director of the said company, and no person whosoever shall be so qualified unless such person resides within the corporation, or within two miles thereof, and is a natural born or naturalized subject of Her Majesty, and a male of the age of 21 years, and is not disqualified under this Act, and has, or whose wife has, at the time of the election as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal or partly equitable, rated in his own name, or in the name of his wife on the last revised assessment roll of the said corporation to at least the value following, over and above all charges, liens and encumbrances affecting the same, freehold \$600, or leasehold \$1,200; but no person having, by himself or his partner, an interest in any contract with the company, shall be qualified to be a director of the said company; but the provisions of sub-section (1) of section 77 of *The Municipal Act*, shall not apply to such directors, or to candidates for election as such directors, so as to disqualify them from holding such office, and so much of the fifth clause of the said agreement (schedule "A" hereto), as relates to the qualification of directors is hereby rescinded.

8. A meeting of the electors entitled to vote at municipal elections in the town of Sault Ste. Marie shall take place, for the nomination of candidates for the office of municipal directors of the company, within one month after the subscription to the capital stock of the company by the corporation shall have been made under and in pursuance of the provisions of the said agreement and by-law and under the provisions of this Act, upon a day to be named and appointed by by-law to be passed by the said council; and if at such time a poll is demanded, the election shall be adjourned to and take place one week from the day of such nomination, and thereafter the nomination for such directors shall take place on the last Monday in February in each year, and if at such time a poll is required, the proceedings for filling such offices shall be adjourned until the first Monday in the month of March following, when a poll shall be opened in each ward for the election of said directors.

9. The election of directors by the shareholders of the company other than the corporation shall take place annually at a meeting of such shareholders, which shall be held on the second Monday in the month of March in each year, and the provisions of chapter 164 of the Revised Statutes of Ontario, 1887, shall apply, as nearly as may be, to said election

10. The council of the corporation may, if they think fit, at their first meeting in any year after the annual election of the town council.

four directors of the company by the municipal electors by by-law appoint any member of the said council other than the mayor of the town of Sault Ste. Marie, a director of the company, but in default of such appointment the mayor or other head of the said town for the time being shall be such director for the ensuing year.

First meeting
of directors.

11. The directors elected as hereinbefore provided by the electors of the said town of Sault Ste. Marie, the director appointed by or representing the council of the corporation of said town, and those elected by the private stockholders of said company, shall hold their first meeting at two o'clock in the afternoon on the third Monday of the month of March following their election, or some day thereafter, and elect from among themselves a president and vice-president and shall also appoint such other officers as the by-laws of the company require, and before entering on the duties of their office the directors elected by the said electors as aforesaid, and the director appointed by or representing the said council, shall make and subscribe a solemn declaration to the effect set out in schedule "C" to this Act before some court, judge, police magistrate, or other justice of the peace having jurisdiction in the municipality of the town of Sault Ste. Marie.

Directors,
term of office
and powers of

12. The directors of the company so to be elected as aforesaid shall hold office from the third Monday in March of the year in which they are elected until the third Monday of March in the year following their election, or until their successors are elected, and shall have and may exercise all the powers conferred upon the directors thereof under the provisions of the Acts chaptered 164 and 165 of the Revised Statutes of Ontario, 1887, and the Act passed by the Legislative Assembly of the Province of Ontario in the 52nd year of Her Majesty's reign, chaptered 88, intituled "An Act respecting the Ontario and Sault Ste. Marie Water, Light and Power Company and the Town of Sault Ste. Marie," and any provisions of the said last-mentioned Act which are inconsistent with or repugnant to the provisions of the said agreement schedule "A" hereto, and by-law, schedule "B" hereto, are hereby repealed.

Provision for
filling vacan-
cies in office
of director.

13. In case a person elected as such municipal director neglects or refuses to accept office, or to make the necessary declaration of office, or in case the office of director becomes vacant by resignation, death, judicial decision or otherwise, the head of the council of the said corporation for the time being, by warrant under his signature, shall require the returning officer and deputy-returning officer or officers appointed to hold the last election of said directors, or any other person duly appointed to these offices, to hold a new election to fill the place of the person neglecting or refusing, as aforesaid, or to fill the vacancy.

14.—(1) It shall and may be lawful for the council of the corporation from time to time, or at any time, to pass a by-law or by-laws, with the assent of the ratepayers entitled to vote on by-laws creating debts, providing for the issue and sale of debentures of the corporation, to pay calls which may be made from time to time upon the stock subscribed for and taken by the corporation in the company to the full amount necessary, to pay for the whole of the stock subscribed and taken by the corporation in the company, or any part thereof.

Issue of debentures to pay calls on stock held by town.

(2). It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall, from time to time be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time be made of the said amounts, and the said book of account and statement shall at all times, and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

Treasurer to keep books showing state of debenture account.

15. All dividends, bonuses and other moneys or income which may in any year be payable by the company to the corporation in respect of the stock of the company subscribed for and held by the corporation, shall be collected, set apart and kept in a separate account by the corporation, to be known as "The Water, Power and Light Works Debenture Account," and when so collected shall, as occasion requires, be applied in and towards the payment of the amount of the annual interest payable, and providing the amount of the annual sinking fund which it may be necessary to provide in any year under the said by-law number 157, or any other by-law or by-laws which may be at any time hereafter passed under the provisions of the last preceding section of this Act, and the said annual amount required to be raised under and in pursuance of the provisions of said by-law number 157 and of any such other by-law or by-laws shall form a first lien and charge upon all dividends and other income which the corporation may derive from the company and from the capital stock thereof held by the corporation.

Application of dividends, etc., received by town.

16. In determining the limit of the powers of the council of the corporation of the town of Sault Ste. Marie as regards the imposition of yearly rates under the provisions of *The*

Debt incurred under Act not to be deemed part of general

debentures
debt in deter-
mining limits
of taxation.

Municipal Act, the amount of the debt incurred under the provisions of the said by-law number 157, and of any by-law or by-laws which may be hereafter passed by said council under the provisions of this Act, shall not be counted as part of the general debenture debt of the said town, and any special general rate which may be required to be imposed in any year upon the whole ratable property in the said town to provide for the balance of interest and sinking fund required in any such year after applying thereto the dividends, bonuses and other moneys and income payable to the corporation by the company in respect of the stock subscribed for and held by the corporation in the company, or otherwise howsoever, may be so imposed notwithstanding any limit of yearly rates for municipal purposes imposed by *The Municipal Act*, or any other statutory enactment in that behalf.

Rev. Stat. c.
184.

Annual meet-
ing of share-
holders.

17. The annual general meeting of the shareholders of said company shall be holden on the first Monday in February in each year to receive the report of the directors, and to transact such other business as may be properly brought before the shareholders for action.

Representa-
tion of cor-
poration at
annual meet-
ing.

18. At any general, special or other meeting of the shareholders of the said company, the said four directors elected by the electors of the said corporation, and the director representing the council of the town of Sault Ste. Marie, shall, at such meeting, represent the said corporation and be entitled to as many votes as said corporation would be entitled to thereat, but at such meeting said directors shall so vote as a board of directors by resolution duly to be passed, and the vote of each individual director shall, at every such meeting, be recorded in the minutes thereof.

Preference
stock.

19. The directors of the said company may at any time, or from time to time, pass a by-law or by-laws for creating and issuing any part of the capital stock as preference stock, guaranteeing such a dividend thereon as they deem expedient and advisable, and giving said stock such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the said by-law, and no such by-law shall have any force or effect whatever until it has been sanctioned by a by-law of the council of the town of Sault Ste. Marie duly assented to by the electors of said town entitled to vote on by-laws creating debts before the final passing thereof, under the provisions of *The Municipal Act* in that behalf.

Certain pro-
visions incor-
porated with
Act.

20. The provisions of chapter 164 of the Revised Statutes of Ontario, 1887, shall be, and the same are hereby incorporated with this Act, so far as the provisions thereof may be applicable and not inconsistent with the clauses hereof, and in regard to procedure in case of a conflict between the provisions
of

of the Acts relating to Joint-Stock Companies, the terms and provisions of said Act chapter 164 of the Revised Statutes of Ontario, 1887, shall prevail in so far as may be.

21. From and after the passing of this Act the directors of the said company, as at present constituted, shall hold office until their successors shall have been duly elected or appointed, as the case may be, and until the new board of directors of the said company shall meet under the provisions of section 27 of this Act, and it shall be lawful for the said present board of directors, and they are hereby authorized and required to open a new stock book, and to accept new subscriptions to the capital stock of the said company under the provisions of this Act, and do all other acts necessary and proper for the reorganization of the company under the provisions of this Act, and of the said agreement (schedule "A" hereto), and the present stock book of the company setting forth the subscriptions to the capital stock of the company heretofore made, and the said subscriptions are hereby cancelled, and the said subscribers thereto are hereby relieved of and from all liability as to the payment of calls upon, or in respect of any stock in the company heretofore subscribed for.

22. The said company and the directors and shareholders thereof, and all other officers connected therewith, are hereby relieved from any and all penalties or liability that may heretofore have been incurred by reason of any neglect or omission to comply with any of the provisions of any Act relating to, or in any manner whatsoever affecting the said company, and the corporate powers, rights and privileges of said company, shall not be forfeited by reason of any such neglect or omission as aforesaid.

23.—(1) The council of the said town of Sault Ste. Marie may at any time sell or dispose of the whole or any part of the stock subscribed by the said corporation in the said company on such terms and conditions as may be deemed advisable by said council, but no such sale or disposal of said stock, or any portion thereof shall be made without the assent of the ratepayers of the said town first had and obtained to a by-law for the sale of such stock, or portion of same, and in submitting the said by-law to the said ratepayers, two or more alternative schemes may be so submitted, and such scheme as receives the votes of the majority of the ratepayers entitled to vote thereon shall be declared carried.

(2) Any person shall be entitled to vote on the said by-law for the sale of said stock who is entitled to vote on by-laws creating debts requiring the assent of the ratepayers under *The Municipal Act*.

Complaints
against direc-
tors represent-
ing town to be
heard by dis-
trict judge.

24.—(1) If at any time twenty-five freehold ratepayers of the town of Sault Ste. Marie present a petition to the judge of the district court of Algoma, complaining of the neglect or misconduct of the directors of the said company elected by the electors of the said corporation, or appointed by or representing the said council, in any matter relating to the duties of their office, or to their election, then the said judge may examine, in a summary way, into the said complaint, and investigate the same, and may, for the purposes of such investigation, examine witnesses upon oath, and issue subpoenas to compel the attendance of same, and the production of all documents, letters, books or other papers.

(2) The said ratepayers shall, at the time of presenting the said petition, deposit with the clerk of the district court of the district of Algoma the sum of \$200 as security for costs, subject to the control and order of said judge, and said judge may, in his discretion, award to the said petitioners, or to the said directors, or director complained against, any sum for his or their costs that he may think fit.

(3) The said judge shall have the power to declare by his order any one or more of the said directors to be unseated from office, and a new election to take place to fill the vacancy or vacancies so created.

(4) The provisions of *The Municipal Act* relating to "controversed elections" and "the prevention of corrupt practices" shall, as nearly as may be, apply to the said investigation and to the conduct of the said directors and the powers conferred by *The Municipal Act* on a judge of the High Court as to municipal elections, are hereby fully conferred on the said district judge as to election of directors of the said corporation under this Act, and his decision shall be final.

Security to be
given by
treasurer of
company.

25. The treasurer of said company appointed by the directors thereof, before entering on the duties of his office, shall give security for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys that may come into his hands; and it shall be the duty of every council of the said town of Sault Ste. Marie in each and every year to enquire into the sufficiency of the security given by such treasurer and report thereon.

Assent of
ratepayers
required to
certain
expenditure
by company.

26. Any expenditure made by said company, other than that contemplated by the said agreement (schedule "A" hereto) and that required to complete the purchase of the lands therein referred to and for the development of said water, power, water works and electric light works, and the construction of the necessary works and maintenance of same, shall be by and with the assent of the ratepayers of said town entitled to vote on by-laws creating debts, and a by-law for such purpose shall be first approved of by them, submitted in the usual manner by the council of said town, before any such expenditure is made.

27. For the year 1890, at the first regular meeting of the council of the town of Sault Ste. Marie held after the first election of the directors by the electors of the said town, the said council shall by by-law appoint from among themselves one director on behalf of the said corporation, and within two weeks from the said election by the electors as aforesaid, the shareholders other than the said corporation shall elect their director or directors, and all the directors thus appointed or elected shall meet within four weeks from the date of such election by the said electors, on a day to be named by the by-law passed by the council fixing the time for holding the first election of municipal directors, and elect from among themselves a president and vice-president and appoint such other officers as may be required and necessary.

Election of
directors by
shareholders
and council.

SCHEDULE A.

(Section 3.)

Memorandum of agreement made this ninth day of December, A.D. 1889, between the Ontario and Sault Ste. Marie Water, Light and Power Company and James Conmee, Robert Baldwin Hamilton, John James Kehoe, William Henry Plummer, Henry Couithard Hamilton and Nathan M. Neeld of the first part, and the Corporation of the Town of Sault Ste. Marie of the second part ;

Witnesseth that the parties of the first and second parts hereby mutually covenant and agree to and with each other and in the manner and form following, that is to say:—

1. That there be allotted to the town of Sault Ste. Marie \$210,000 of the Ontario and Sault Ste. Marie Water, Light and Power Company stock.

2. That the said The Ontario and Sault Ste. Marie Water, Light and Power Company be paid \$25,000 within three months from the date hereof, and that sufficient stock, 50% paid up, be allotted to the members of the said company to meet the amount expended by them in excess of the said \$25,000, and that the said company and members thereof agree within one year from the date hereof to transfer such stock, save and excepting \$5,000 thereof, to the said corporation of the town of Sault Ste. Marie, upon payment of the amount paid up thereon and interest thereon at 7% from the date hereof until time of payment, and the said town of Sault Ste. Marie agree to accept said stock and pay the said amount and interest as aforesaid within one year.

3. That the balance of the stock of the said company be placed in the treasury to be allotted as the directors may see fit.

4. That all lands and plant purchased by the said company or the members thereof, namely, The Hudson Bay property
The

The Higgins property, The Ontario Government lands and the electric light plant, be owned by the (new) company subject to the incumbrances thereon, and that the actual cash paid on account and in respect of said lands and plant, and all expenses of and incident thereto and incidental to the said scheme paid by the present members of the said company after being paid the said \$25,000, be credited on account of the stock allotted to them to the extent of \$25,000 if sufficient and further that in case of dispute as to the amount disbursed by them, the same be referred to arbitrators in the usual manner whose award shall be final and conclusive.

5. That the said corporation shall elect four directors in a manner similar to the election of councillors annually, whose qualifications for office shall be the same as that of councillors in towns, and the council of said town shall appoint one director from the council board, but the council shall not have two directors on said board.

6. That there shall be one director to represent the present members of the said company, and who shall cease to be such director as soon as the said stock is paid and transferred.

7. That all existing agreements between the said company and said corporation be cancelled and become null and void.

8. That all persons or corporations who subscribe for stock in the said company shall be entitled to elect one director for the first \$50,000 stock held by them or under \$50,000 by them subscribed, and one director for each \$50,000 over the first \$50,000 stock so subscribed.

9. The said parties of the first part hereby agree to maintain in its present power the electric light system of the town until such time as all plant and property are transferred to the said new company.

This agreement is subject to special legislation to be obtained by the said town confirming and authorising the carrying out of this proposed scheme which the town agrees to apply for forthwith.

Witness the hands and seals of the parties hereto.

[L.S.] (Signed) W. H. PLUMMER,
President.

(Signed) HY. C. HAMILTON,
Secretary.

DONALD CAMERON,
Acting-Mayor.

[L.S.] H. J. MOOREHOUSE,
Town Clerk.

SCHEDULE B.

(Section 4.)

BY-LAW No. 157.

A By-law to aid the Ontario and Sault Ste. Marie Water, Light and Power Company, and to provide for subscribing to and taking stock in said company, and to provide for the issue and sale of debentures to the amount of \$105,000, to pay for the stock so to be subscribed and taken.

Whereas there exists in connection with the St. Mary's River, at and near to and within the limits of the town of Sault Ste. Marie, water privileges and power which would be of great value to the said town and the inhabitants thereof if developed.

And whereas the Sault Ste. Marie Water, Light and Gas Company was incorporated under the provisions of chap. 164, Revised Statutes of Ontario, 1887, for the purpose of supplying the corporation of the town of Sault Ste. Marie and the inhabitants thereof with both water and light.

And whereas the said company found that by utilizing the said water privileges and developing the said water power, they could not only afford a better supply of both water and light at cheaper rates, but also furnish power for general business purposes, and that it would be to the advantage of the company as well as of the town and the inhabitants thereof, that the said water power should be developed.

And whereas doubts existed as to the power of the said company to acquire all the lands required for the development of the said water power, under the provision of the general Act, and thereafter to develop and operate the said water power, and also as to the authority of the municipality of the town of Sault Ste. Marie to aid and assist the company in the manner proposed by the company and corporation, as set forth in a certain by-law and agreement in that behalf, the said Sault Ste. Marie Water, Gas and Light Company applied for and obtained special legislation changing its name to the Ontario and Sault Ste. Marie Water, Light and Power Company, and also conferring on it such further and additional powers as it required for the acquisition and development and working of the said water power from the St. Mary's River, as set forth in the Act passed by the Legislative Assembly of the Province of Ontario, in the 52nd year of the reign of Her Majesty, chaptered 88.

And whereas the said company have acquired all the land and land covered with water, and the water privileges within the limits of the said town of Sault Ste. Marie, and have invested in such purchase and in the construction of the electric light works large sums of money, but are unable to fully develop the said water power and complete the said waterworks without assistance.

And

And whereas it is necessary in the interest of the said town of Sault Ste. Marie and the inhabitants thereof, that the said waterworks should be completed, and that the said water power should be developed and utilized with as little delay as possible, and the corporation of the said town of Sault Ste. Marie are desirous of aiding the said company by subscribing to and taking stock therein, and for that purpose have, subject to the approval of this by-law, by the vote of the duly qualified electors, agreed to subscribe to the capital stock of the said company and take stock in the said company to the amount of \$210,000, upon the terms and conditions set out in an agreement made and entered into between the said municipal corporation and company, bearing date the ninth day of December, A.D. 1889.

And whereas it is desirable and necessary to raise the sum of \$105,000, to pay on the stock so to be subscribed for and taken in the said company by the said corporation, by the issue and sale of the debentures of the said town of Sault Ste. Marie, payable at the expiration of thirty years with interest, as hereinafter provided.

And whereas it will require the sum of \$5,250 to be raised annually for a period of thirty years, the currency of the debentures to be issued under and by virtue of this by-law to pay the interest of the said debt, and the sum of \$1,721.06 to be raised annually during the same period, for forming a sinking fund for the payment of the debt created by this by-law at the end of the said period of thirty years when the said debentures shall have matured, making in all the sum of \$6,971.06, to be raised annually by special rate sufficient therefor upon all ratable property of the municipality of Sault Ste. Marie during the period of thirty years, the currency of said debentures.

And whereas according to the last revised assessment roll of the said town of Sault Ste. Marie, being for the year 1889, the amount of the whole ratable property of the said municipality of the town of Sault Ste. Marie is the sum of \$1,143,437.

And whereas the amount of the existing debenture debt of the said municipality of the town of Sault Ste. Marie is the sum of \$32,300, and no part thereof, either as regards principal, moneys or interest, is in arrear,

Therefore the municipal council of the corporation of the town of Sault Ste. Marie, enacts as follows:—

1. It shall be lawful for the mayor of the town of Sault Ste. Marie for and on behalf of, and in the name of the corporation of the town of Sault Ste. Marie, and under the corporation seal of the said town, to subscribe for and take stock in the capital stock of the Ontario and Sault Ste. Marie Water, Light and Power Company, pursuant to and under the terms and conditions contained and set forth in the agreement made and entered into between the said corporation of the town of Sault Ste. Marie and the said company, bearing date the ninth day of December, A.D. 1889, to the amount of \$210,000, nominal value of the capital stock of said company.

2. That it shall be lawful for the said mayor of the town of Sault Ste. Marie to raise by way of loan upon the security of the debentures of the said town of Sault Ste. Marie, hereinafter mentioned, from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole the sum of one hundred and five thousand dollars (\$105,000), and to cause the same to be paid into the hands of the treasurer of the municipality, for the purposes and with the objects above recited.

3. That it shall be lawful for the said mayor of the town of Sault Ste. Marie to cause any number of debentures of the said town of Sault Ste. Marie to be made for such sums of money as may be required, not less than \$100 each, and not exceeding on the whole the sum of one hundred and five thousand dollars (\$105,000), as in the preceding section mentioned, and the said debentures shall be sealed with the seal of the said corporation, and be signed by the said mayor and countersigned by the treasurer of the municipality.

4. That the said debentures shall be made payable in thirty years from the date of the passing of this by-law, either in currency or sterling, in this Province, Great Britain or elsewhere, and shall have attached to them coupons for the payment of the interest.

5. That the said debentures shall bear interest at and after the rate, of five per cent. per annum from the date of the issue thereof, which interest shall be payable half yearly, on the first days of the months of February and August in each year, at the place the said debentures are made payable in this Province, Great Britain or elsewhere, as aforesaid.

6. That during thirty years the currency of the debentures to be issued under the authority of this by-law, the sum of \$5,250 shall be raised annually for the payment of interest on said debentures, and also the sum of \$1,721.06 shall be raised annually for the purpose of forming a sinking fund for the payment of principal of the said loan of \$105,000, in thirty years, according to the provisions of this by-law, making in all the sum of \$6,971.06 to be raised annually, as aforesaid, and that a special rate on the dollar upon the assessed value of all the ratable property in the town of Sault Ste. Marie over and above all other rates and taxes, and which special rate shall be sufficient to produce in each year the said sum of \$6,971.06, is hereby imposed, and shall be raised, levied and collected in each year during the continuance of the said debentures for the purpose of paying the said sum of \$105,000, with interest thereon, as aforesaid.

7. That the said sum of \$105,000 when obtained, shall be applied for the purposes above specified, and according to the true intent and meaning of this by-law, and not otherwise.

8. That the debentures to be issued hereunder, shall contain a provision in the following words: This debenture or any interest thereon, shall not, after a certificate of ownership has been

been endorsed thereon by the treasurer of this municipal corporation, be transferable, except by entry by the treasurer in the debenture registry book of the said corporation of the town of Sault Ste. Marie.

This by-law shall take effect on, from and after the twentieth day of January, in the year of our Lord one thousand eight hundred and ninety.

And it is further enacted by the said council of the said municipal corporation of the town of Sault Ste. Marie, that the votes of the electors of the said town will be taken on this by-law, by the returning and deputy returning officers hereinafter named, on the fourth day of January, 1890, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places:

Ward number one, at Neeld & Co's. office, by H. J. Moorehouse. Ward number two, at the old school house, by Charles Pim.

That on the third day of January, A.D. 1890, at the office of the clerk in the town of Sault Ste. Marie, at 11 o'clock in the forenoon, the mayor shall appoint in writing signed by him, two persons to attend to the final summing up of the votes by the clerk, and one person to attend to each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and the like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

That the clerk of the said municipal corporation shall attend at his office in the town of Sault Ste. Marie, at the hour of twelve o'clock noon, on the 7th day of January, A.D. 1890, to sum up the number of votes given for and against this by-law

By-law read a first time, this 10th day of December, 1889.

(Signed) H. J. MOOREHOUSE,
Town Clerk.

By-law read a second time this 10th day of December, 1889

H. J. MOOREHOUSE,
Town Clerk.

Read a third time, passed, signed and sealed this 14th day of January, 1890.

Council Chamber, Sault Ste. Marie.

[L. S.]

E. BIGGINGS,
Mayor.

H. J. MOOREHOUSE,
Town Clerk.

SCHEDULE

SCHEDULE C.

(Section 11.)

I, A. B., do solemnly declare that I am a natural born (or naturalized) subject of Her Majesty ; and have and had to my own use and benefit in my own right (or have and had in right of my wife, *as the case may be*) as proprietor (or tenant, *as the case may be*), at the time of my election (or appointment, *as the case may require*) to the office of

hereinafter referred to, such an estate as does qualify me to act in the office of

for and that such estate is *(the nature of the estate to be specified, as an equitable estate of leasehold or otherwise, as the case may require, and if land, the same to be designated by its local description, rents or otherwise)*, and that such estate at the time of my election (or appointment, *as the case may require*) was of the value of at least *(specifying the value)* over and above all charges, liens and incumbrances affecting the same, and I do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of *(inserting the name of the office)* to which I have been elected (or appointed) and that I have not received, and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said company.

CHAPTER 136.

An Act to amend an Act to incorporate the Toronto Dairy Company.

[Assented to 7th April, 1890.]

WHEREAS the Toronto Dairy Company by their petition Preamble. have represented that it has become advisable in order to carry on their business advantageously to reduce the issued stock by one-half, so that the par value of each share shall be \$25 instead of \$50 ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the par value of the shares in the said company now issued and held by shareholders in the books of the said company Reduction of value of shares.

pany is hereby reduced one-half, and hereafter the shares held by the said shareholders of the said company shall be of the par value of \$25 instead of \$50 and shall be so entered on the books of the said company, and certificates shall be issued therefor in lieu of the certificates already issued.

35 V., c. 85, s.
3, amended.

2. Section 3 of the Act passed in the 35th year of Her Majesty's reign, and chaptered 85, is amended by striking out the word "two" in the second line thereof and by inserting in lieu thereof the word "four," and by striking out the word "fifty" in the said second line and by inserting in lieu thereof the words "twenty-five."

Liability of
shareholders
not affected.

3. Nothing in this Act shall be construed to lessen or vary any liability of the shareholders of the said company to the present creditors thereof.

CHAPTER 137.

An Act respecting the old Cemetery and the Methodist Cemetery in the Town of Sarnia.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the corporation of the town of Sarnia have by their petition represented that the lands in the town of Sarnia known as the old cemetery, described as follows, that is to say:—Firstly, a block of land bounded on the north by Maxwell street, on the east by Durham street, on the south by lot "A" on the north side of Elgin street and on the west by lot "B" on the south side of Maxwell street; secondly, lot "A" on the north side of Elgin street, and thirdly lot "B" on the south side of Maxwell street, have for many years past been used for the purpose of a public burying ground; that the firstly above described block of land was conveyed by George Durand now deceased to Malcolm Cameron, Archibald Young, Jr., Richard Emeric Vidal and Robert Skilbeck all deceased, for the purpose of a public burying ground for the inhabitants of Port Sarnia (now the town of Sarnia); and whereas the said lots "A" and "B" were purchased by the corporation of the town of Sarnia as an addition to the old cemetery and form a part thereof but no part of the said lands have for years been used for such purpose and the lands surrounding the same have been built upon, and are occupied, and the same are now partially unfenced and lying in common; and whereas the trustees of the Sarnia congregation of the Methodist Church have by the said petition represented that the following lots in the town of Sarnia that is to say,
lot

lot two in Block "F" Maxwell estate, Sarnia, as shown in the map of the said town of Sarnia was purchased for the purpose of a burial ground for the said congregation; and whereas all the lands hereinbefore described have, pursuant to a by-law of the town of Sarnia, ceased for several years to be used for burial purposes; and whereas arrangements have been made with the Lake View Cemetery Company for burial plots in the cemetery established in the township of Sarnia by the said company which was incorporated under the laws of this Province; and whereas it is desirable that all of the lands hereinbefore described should be closed as cemeteries and that the bodies of the dead should be removed therefrom and that the said parcels of land known as the old cemetery should be vested in the corporation of the town of Sarnia for public purposes and that the said trustees of the Sarnia congregation of the Methodist Church should be authorised to sell the said lot two in block "F" so used as a cemetery for the said congregation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the corporation of the town of Sarnia, after the removal as by this Act provided, of the bodies interred in those parcels of land known as the old cemetery, aforesaid, to have and to hold the said parcels of land, and after the passing of this Act the said parcels shall become and be, and the same are hereby vested in the said corporation, and the same shall be held and used for any public purpose as the council of said corporation may by any by-law or by-laws to be passed from time to time determine, and the said corporation is hereby authorised to sell or convey in fee simple, the whole or any part of the said lands, upon such terms and conditions and for such prices as may be deemed best, free and discharged of, and from all claims and demands of any person or persons who may have purchased.

Old cemetery to be held by town for public purposes after removal of bodies.

2. The said corporation is hereby authorized forthwith after giving notice as hereinafter mentioned, and at its own expense, to remove from the said old cemetery, the remains of the dead therein interred, to the Lake View Cemetery, at the sole cost of such corporation, and to re-inter such remains decently and in order, and to re-erect any monument or headstone erected in said old cemetery at the time of such removal, and so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased, as to the manner of such removal and re-interment.

Removal of remains of the dead from old cemetery.

3. The said corporation shall, before removing the remains as aforesaid, give written notice to the relatives of the dead when known, and during the period of one month, publish a notice

Notice to relatives of deceased.

notice once in each week in two newspapers published in the said town and in the *Ontario Gazette*, stating their intention to remove the said remains upon and after a day to be named in the said notice, which day shall not be less than six weeks after the first publication of such notice, and the said corporation shall be required to pay all reasonable expenses incurred or sustained by the relatives in any removal of remains, which shall take place after and in pursuance of such notice, and no further or other notice to the friends or relatives of the deceased shall be necessary.

Notice to
relatives of
deceased.

4. The said trustees of the said Methodist Church shall before removing the remains as aforesaid, give written notice to the relatives of the dead when known, and during the period of one month publish a notice once in each week in two newspapers published in the said town and in the *Ontario Gazette*, stating their intention to remove the said remains upon and after a day to be named in said notice, which day shall not be less than six months after the publication of the said notice.

Removal of
remains of the
dead from
Methodist
burying
ground.

5. After the giving of the notice above mentioned, the said trustees of the Methodist Church may at any time thereafter of their own accord and without any further or other notice, cause the remains in the said burial ground of said congregation to be removed from time to time to said Lake View Cemetery and to be there reinterred in such suitable part thereof as the said trustees shall provide for that purpose, and the said trustees shall be required to pay all reasonable expenses incurred or sustained by relatives in any removal of remains which shall take place after and in pursuance of such notice and no further or other notice to the friends or relatives of the deceased shall be necessary.

Monuments to
be moved.

6. The monument or other insignia now erected or placed at any burial plot in said last mentioned burial ground, shall also be removed along with the remains in such plot, and shall be erected or properly set up in that part of Lake View Cemetery in which said remains shall be reinterred.

Trustees
authorized to
sell or lease
lands after
removal of
bodies.

7. So soon as all the bodies which are now interred in the said burying ground above mentioned, are removed as provided for above, the said trustees and their successors shall be, and they are hereby authorized to lease for any term of years or to sell and convey in fee simple, or for any lesser estate, the whole of the lands and premises so granted to the said trustees as aforesaid, either together or in parcels, in such manner, for such prices and upon such terms and conditions as may be deemed best by the said trustees, and they are authorized to so lease or sell and convey as aforesaid, the said lands, freed and discharged of and from all right, title, interest, claim and demand of any person

or persons who may have purchased lots for burial purposes in said parcel of land, or of their representatives, and the lots to be conveyed to such persons in the said Lake View Cemetery, shall be accepted by the said persons in lieu of the lots purchased by them in the said burying ground first above mentioned, and in lieu of all right, title, interest, claim or demand they may have in respect thereof.

8. The said trustees shall not exercise the power to lease or sell granted to them by the last preceding section, until after they have obtained the consent or authority of the annual conference of the Methodist Church, within the bounds of which the said lands are situate.

Consent of annual conference to be obtained by trustees before selling or leasing.

9. Should the said trustees sell the said lands, or any parts thereof, and grant time for the payment of the purchase money or any portion thereof, they are hereby authorized and empowered to take and accept as security for the payment thereof, mortgages from the respective purchasers on the land sold to them respectively, containing the ordinary and usual covenants and powers of sale, and to enforce all such covenants and exercise such powers in the ordinary and usual manner.

Trustees authorized to take mortgages for purchase money.

10. Every such lease or sale so made, shall be freed and discharged from all trusts of every kind, and the lessee or purchaser shall hold the same lands so demised or sold to him and his heirs or interest therein, freed and discharged from all said trusts.

Lessees or purchasers to hold lands free from trusts.

11. It shall be the duty of the said corporation and the said trustees respectively to use due care and diligence that all the remains of the dead have been removed from the said lands before they lease, mortgage, or sell, as aforesaid, but the title of any lessee, mortgagee, or purchaser, shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold, if it shall be made to appear to the County Judge of the County of Lambton for the time being, and if he shall so certify under his hand that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so leased, mortgaged or sold; and such certificate shall be registered in the registry office for the said county on the production thereof to the registrar and the payment to him of one dollar as a fee for such registration.

Care to be taken that all remains are removed before sale of land.

CHAPTER 138.

An Act respecting certain Lands vested in the
Rector of Christ's Church, Hamilton.*[Assented to 7th April, 1890.]*

Preamble.

WHEREAS Peter Carrol, late of the city of Hamilton, devised and bequeathed to the rector of Christ's church, in the city of Hamilton, and his successors as such rector for ever, lots numbers 16, 17, 18 and 19 on York street in the city of Hamilton, adjoining Burlington cemetery in said city, and he thereby directed that one-half of the yearly income, or proceeds of said lands, should be a perquisite to such rector, and the other half should be distributed annually, by the rector, to the poor of the parish of said church; and whereas said lots are vacant, and productive of no revenue, and are unsaleable for general purposes, but, owing to their proximity to Burlington cemetery, can be sold for cemetery purposes, and the rector of Christ's church has petitioned for an Act to authorize the sale of said lands for cemetery purposes, the proceeds of such sale to be funded, and the income thereof to be divided as directed by the said will; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rector of
Christ church
authorized to
sell lands as
burial lots.

1. The rector of Christ's church aforesaid and his successors in office as such rector, are hereby authorized to lay out as a cemetery, lots numbers 16, 17, 18 and 19, on York street, in the city of Hamilton, adjoining Burlington cemetery in said city, and to sell and dispose of graves and cemetery lots therein for such prices as may be agreed upon, such graves and cemetery lots to be used only for burial sites, and the deeds thereof shall not require to be registered for any purpose whatever, and shall not be affected by any Registry Act, nor shall any mortgage, judgment or encumbrance subsist on any grave or cemetery lot so conveyed.

Application of
proceeds of
sales.

2. The proceeds of sales of graves and cemetery lots as aforesaid, shall be paid to the rector or his successors, as the case may be, who shall, after paying the charges connected with the laying out of the grounds for cemetery purposes and charges of management and all incidental expenses, forthwith invest and keep invested, the net proceeds of such sales, in such securities as, from time to time, are approved of by the High Court of Justice for the Province of Ontario, for the investment of trust funds, and the income derived from such investments,

investments, after deducting cost of management, shall, as to one-half thereof, be a perquisite to said rector and his successors in office, and the other half shall be distributed annually by him or his successors in office, to the poor of the parish of Christ church aforesaid.

3. The rector and his successors in office, shall, at the Easter vestry meeting of said church in each year, submit to the vestry a statement in writing, showing the amount realized from sales as aforesaid, and the securities upon which the funds are from time to time invested, and the net income derived therefrom.

Annual statement to be submitted to vestry.

CHAPTER 139.

An Act to Authorize the Sale of certain Lands of the First Baptist Church, Ottawa.

[Assented to 7th April, 1890.]

WHEREAS Stephen Wright, Nicholas S. Tarr, Alfred K. Blackadar, Charles Parson, William R. Stroud, Alfred Ardley, Thomas Cooper Boville and James Taylor, the trustees of the First Baptist Church, Ottawa, have shewn by their petition that by an indenture dated in the year of our Lord 1860, then duly registered in the proper registry office in that behalf, and made between Thomas B. Prentiss of the village of Aylmer, in the county of Ottawa, in the Province of Quebec, merchant, and William Jamieson of the city of Ottawa, baker, of the first part, and the said Thomas B. Prentiss, Thomas Warwicker the elder, of the said city of Ottawa, saddler, Thomas Booth, of the township of Gloucester, in the county of Carleton, lime burner, Alexander C. Campbell of the said city of Ottawa, merchant, the said William Jamieson and John Barnard of the township of Cumberland, in the county of Russell, yeomen, at that time the trustees of the close communion Baptist Church of the city of Ottawa, of the second part, the said parties of the first part did convey unto the said parties of the second part as such trustees the following lands and premises, that is to say, lot number twenty-six on the south side of Queen street, in the said city of Ottawa, upon such and the same trusts, and to and for such and the same uses and purposes, and with, under and subject to such and the same powers, and to be controlled and managed by the like authorities, trustees and persons appointed and to be appointed, and with the same duties and powers as are expressed, contained and declared in and by the said indenture; and that the said Baptist church erected a meeting house on the said lot, and used the same as their place of

Preamble

public worship until the year 1874; and that by reason of the increase in the numbers of the members of the said church, the said meeting house became unfit for the purposes of a place of public worship, and the said church upwards of fifteen years ago ceased to use the same as a meeting house, and decided to sell said land and premises; and that the trustees of the said church have agreed to sell the said land and premises, but that by reason of the said land and premises having been taken and held under said indenture and that said indenture is expressed to be made expressly under an Act of the Provincial Parliament of the Province of Upper Canada, passed in the ninth year of the reign of His late Majesty, King George the Fourth, entitled An Act for the Relief of the Religions therein mentioned, and also under another Act of said parliament of the said Province, passed in the third year of the reign of Her Majesty, Queen Victoria, entitled An Act to amend an Act passed in the ninth year of the reign of King George the Fourth, and that said statutes merely conferred upon said trustees named in said indenture the right to take lands, but did not confer upon them any right or power to sell and convey such lands, and that said statutes had been repealed before such indenture had been made, and that such indenture should have been taken and made under the provisions of chapter 59 of the Consolidated Statutes of Upper Canada, the only Act then in force in that behalf, they (the said trustees) and their successors in office have no power to convey and give a good title to the said land and premises to the purchasers thereof; and that the said William Jamieson, Alexander C. Campbell and John Barnard, three of the trustees named in said indenture, have departed this life, but successors to them as well as to the other of the said trustees have from time to time to the date hereof been regularly appointed by the said church, and now the said Stephen Wright, Nicholas S. Tarr, Alfred K. Blackadar, Charles Parson, William R. Stroud, Alfred Ardley, Thomas Cooper Boville and James Taylor are the present and duly elected and the only trustees of the said church; and the present trustees of the said First Baptist Church, Ottawa, have prayed that an Act may be passed authorizing them to sell and convey the said land and premises; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Present trustees authorized to sell land.

1. The said the present trustees above named and their successors shall have full power and authority forthwith, without observing the requirements mentioned in sections 13 and 14 of chapter 237 of the Revised Statutes of Ontario hereinafter mentioned, to sell and convey in fee simple or for any lesser estate the whole of the land and premises so granted to the said trustees named in said indenture and particularly described above, in such manner, for such price and upon such terms and conditions

as may be deemed best to such the present trustees and their successors, and to convey and assure the same to the purchaser or purchasers thereof, and provided that the purchaser or purchasers shall be under no obligation to see to the application of the purchase money, and the said trustees and their successors are hereby declared to have acquired by virtue of their appointment to and the position they now occupy as trustees of the First Baptist Church, Ottawa, all the powers, privileges and authorities in reference to said lands and premises which are enumerated in chapter 237 of the Revised Statutes of Ontario, 1887, entitled *An Act respecting the Property of Religious Institutions*.

2. All deeds and conveyances made under this Act may refer to this Act in manner or to the effect following:—
 “This indenture made the day of in the year of Mode of referring to Act in future conveyances.
 Our Lord under the authority of an Act of the Legislative Assembly of the Province of Ontario, passed in the fifty-third year of Her Majesty’s reign, chapter entitled *An Act to Authorize the Sale of certain Lands of the First Baptist Church, Ottawa*.

CHAPTER 140.

An Act respecting the First Presbyterian Church at Chatham.

[Assented to 7th April. 1890.]

WHEREAS the Rev. F. H. Larkin, minister, and Thomas H. Taylor, Thomas Stone, Kenneth Urquhart, John McKay, William Robertson and others, elders, office-bearers, and members of the congregation of the First Presbyterian Church, Chatham, (formerly called the United Associate Congregation of Chatham in connection with the Missionary Synod of Canada, and more recently called the Wellington street Presbyterian Church, and which when united with the Adelaide street Presbyterian Church in 1879 became the First Presbyterian Church, Chatham), have by their petition set forth that certain parcels of land in the town of Chatham have been purchased, and at different times have been conveyed to the trustees of the said two churches, that is to say:—that block of land bounded on the east by William street, south by Park street, westerly by Centre street and common school lands, and north by Wellington street, as patented to Henry McNeil on 26th January, 1842, not heretofore surveyed into town lots and conveyed by deeds duly registered in the registry office, in and for the county of Kent, which parcel was conveyed by deed

deed from the said Henry McNeil the patentee, to Robert Smith, John Fisher, John McKinlay and Edward Smith as trustees for the said United Associate Congregation and their successors in office, with the minister of the congregation, by deed bearing date the 28th April, 1846, and registered 20th day of April, 1869, and which deed contained among other provisions the words following:—"No part of said property ever to be alienated from the congregation, but to be used for the following purposes, viz.: a meeting house, a graveyard, a house for the minister and the necessary buildings, and a garden park for the minister's use, also part of it may be leased for building or cropping for not more than fourteen years, the proceeds to be for the sole benefit of the congregation;" and the said Henry McNeil (and Sarah McNeil, his wife to bar dower) did by another deed of bargain and sale convey to said trustees and their successors in office, for the sole benefit of said church and congregation the above mentioned land which deed bears date the 26th October, 1847, and was registered 3rd January, 1852; that the said Henry McNeil, did by deed of bargain and sale, bearing date 27th October, 1847, and registered 12th July, 1849, sell and convey to one Daniel Fraser (who was an office-bearer in said church and congregation, and who was simply grantee in said deed to facilitate sales of the lots in said deed mentioned) lots one, two, three, five, six, seven, eight, nine, ten, eleven, fourteen and fifteen, being sub-divisions of part of the first mentioned property, all of which lots excepting alleged lots fourteen and fifteen are excluded from the property to be dealt with under the petition herein, owing to their being duly sold and conveyed; that the trustees of said Wellington street Presbyterian Church by deed bearing date the 23rd day of May, 1871, from Robert Gray, who purchased from the trustees of the common school lands, (and wife to bar dower) became grantees of the east half of lot number six in block 49 (XLIX), common school lands and the trustees of said United Associate Church by deed from the trustees of the common school lands dated 27th December, 1859, became the owners of the west half of said lot number six, all of which property by reason of the Canadian Pacific railway crossing one corner of it, and within a few yards of the church building has now become wholly unsuited for the purposes for which it was originally intended as represented in the various deeds thereof and the conditions of same; that the trustees of said Adelaide street Presbyterian Church, namely, A. McKellar, Kenneth Urquhart and William Peter McDonald, by deed bearing date the 4th August, 1853, and registered 10th August, 1853, from Abraham S. Holmes (an unmarried man) became the absolute owners of the south half of lot number 72 (old survey) in the town of Chatham; that the trustees of said Adelaide street Presbyterian Church purchased the north half of said lot number 72 (old survey) from the Trust and Loan Company of Upper Canada, and obtained a conveyance thereof to them bearing date the 5th June,

June, 1870, but which was not registered until the 27th April, 1880, and objection has been made to the title, owing to said last mentioned deed not being registered within the time limited by statute in that behalf; that about the year 1879, the said Adelaide street Presbyterian Church and the said Wellington street Presbyterian Church were united and named the First Presbyterian Church, Chatham, and worshipped in the church building on Wellington street, and the said property formerly held by the trustees of the Adelaide street church, has not since said union been used for church purposes and it is wholly unsuited from its situation for being so used; that owing to the alleged defect in the title of said property purchased from the said Trust and Loan Company, the trustees of said First Presbyterian Church, Chatham, obtained from said Trust and Loan Company a confirmatory deed bearing date the 24th April 1889, and registered 10th May, 1889; that although several of the said deeds made provision in various ways for the appointment of trustees and their successors in office, there is now no evidence that such provisions of the respective deeds were acted on and carried out, and it is desirable to vest the whole of said lands in the present trustees, and to provide for the appointment of their successors in office; that the titles to said lands being objected to and called in question and sales prevented by the provisions in the various deeds, it is desirable to have the said lands fully vested in fee simple in said trustees and their successors in office; that the said properties being in two parcels and lying separate from one another, it is also most desirable to have the trustees empowered to sell the whole of both parcels or any part or parts thereof; that none of said property is now used as a graveyard, nor has any part been so used for many years, and owing to the growth of the town and purchase of a large plot outside of the town limits for cemetery purposes, at which time most of the bodies were removed from the old churchyard, and only very few now remain, and it is desirable to have them removed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said block of land conveyed by Henry McNeil excepting that portion surveyed into town lots and conveyed by deeds duly registered, notwithstanding the provisions in the deeds from said Henry McNeil to the church trustees, and the deed to said Daniel Fraser; and said lot number six in block XLIX of the common school lands; and lot number 72, old survey, notwithstanding the non-registration of the first deed within the time limited by statute, and further, notwithstanding any irregularity in the appointment of the various trustees of said properties or any of them under the different deeds thereof and all other irregularities and objections whatsoever, shall

Lands vested
in trustees.

shall be, and the same are hereby declared to be vested in fee simple in John McKinlay, Kenneth Urquhart, and Edward Smith, the trustees of the First Presbyterian Church, Chatham, in connection with the Presbyterian Church in Canada, who are hereby declared to be the sole present trustees duly authorized to act in behalf of the said congregation of the First Presbyterian Church, Chatham, and their successors (to be appointed as hereinafter provided) and assigns forever, in trust for the sole benefit of the congregation of the said First Presbyterian Church.

Appointment
of new trustees.

2. That when any of the said trustees shall happen to die or be desirous of being released from the powers and trusts in them hereby reposed, or become incapable of acting in the same or cease to reside in the Province of Ontario, then the presbytery of Chatham in connection with said church may from time to time appoint, with the previous consent of the congregation as expressed at a congregational meeting called for that purpose, by at least two weeks notice from the pulpit, any fit and proper person or persons being a layman, or laymen resident within the bounds of said presbytery and a member of said church and congregation; and every appointment when made by the said presbytery shall be entered in the records of the said presbytery, and a certificate of such appointment signed by the moderator and clerk of the said presbytery from time to time, and at any time shall be sufficient evidence of such appointment having been duly made.

Trustees may
sell lands.

3. It shall be lawful to and for the said trustees or a majority of them to sell and convey the said lots, or any, or either of them, or any part or parts of any, or either of them in fee simple, free from any trust or trusts, and apply the proceeds thereof in purchasing a site for a church, and erecting a new church and furnishing same, and other church purposes as may be resolved by the majority of the members present at a congregational meeting called for such purpose, of which notice shall be given from the pulpit, during the two Sabbaths next preceding the holding of such meeting.

Rights under
existing leases
not affected.

4. This Act shall not affect or interfere with the rights of any party or parties under existing leases, of any part of the said property.

Removal of
remains of
dead.

5. The said trustees and their successors in office, shall have power and authority after giving notice as hereinafter required to remove of their own accord, and at their own expense, in a decent and orderly manner and without any further notice to the friends and relatives of the dead, all the remains of the dead now interred in the lands and premises aforesaid to the public cemetery, or to some other suitable burying ground that
may

may be approved of by the relatives of the deceased, and the remains of the dead so removed in pursuance of the powers in this section granted, shall be re-interred at the expense of the said trustees.

6. The said trustees before removing the remains of the dead as in the last preceding section authorized, shall give notice in writing to the relatives of the deceased when known, and shall during the period of four weeks, publish a notice in four successive issues of the *Ontario Gazette*, and of a local newspaper published in the town of Chatham, which notice shall set forth the powers in the last preceding section granted, and that parties owning burial lots, or having the remains of deceased friends or relatives interred in the said old burying ground may remove the remains to the public cemetery where the trustees will provide suitable burial lots therefor, and pay all reasonable expenses incurred or sustained in or by reason of such removal to or re-interment in the cemetery or other suitable burying place. In the event of parties not removing the remains as aforesaid, it shall be the duty of the trustees to remove the same in a decent and orderly manner and re-inter them in suitable plots in the public cemetery, and with the said remains so removed in pursuance of the powers herein granted to remove also, and properly place in the proper burial plot to which they have removed said remains all gravestones and monuments now erected in the said burying ground.

Trustees to give notice before removing bodies.

7. It shall be the duty of the said trustees and their successors in office to use due care and diligence, that all the remains of the dead have been removed from the said burying ground before they build on, or before they sell as aforesaid, but the title of any purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so sold, if it shall be made to appear to the judge of the county court of the county of Kent for the time being, and if he shall so certify under his hand, that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so sold, and such certificate shall be registered in the registry office, for the county of Kent, on the production thereof to the said registrar, and the payment to him of \$1 as a fee for such registration.

Certificate of county judge as to removal of remains from burying ground.

CHAPTER 141.

An Act to amend an Act to Incorporate Huron College.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the corporation of Huron College have by their petition represented that they are an incorporated educational institute under an Act of the Parliament of the Province of Canada, passed in the 26th year of Her Majesty's reign and chaptered 31, and desire an amendment to said Act declaring and defining the classes of security in which the funds of the said college may be invested, and have prayed for the passing of an Act accordingly; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Investment of funds of college.

1. The said corporation of Huron College have had under their said Act of incorporation and shall have thereunder and hereunder power to invest all or any of the funds intrusted to the care of the said college for all or any of the purposes of its incorporation in government securities, mortgages of real estate, municipal debentures, the stocks of any chartered bank or permanent building society, or of any loan company, or of any other incorporated financial company in Canada.

CHAPTER 142.

An Act to enable the Metropolitan Bishop of the Church of England in the Ecclesiastical Province of Canada, to confer certain Degrees in Divinity.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the bishops, clergy, and laity, members of the Church of England, assembled in provincial synod of the ecclesiastical province of Canada, have by their petition represented: That the various universities and theological colleges in connection with the said Church of England, in the different Provinces of Canada, comprised within the limits of the said ecclesiastical province, viz., the University of Kings' College in the province of Nova Scotia; the University of
Bishops'

Bishops' College, Lennoxville, in the Province of Quebec; the University of Trinity College, Toronto, in the Province of Ontario; Huron College London; and Wycliffe College, Toronto, in the Province of Ontario; and the Montreal Diocesan Theological College, in the Province of Quebec, have agreed to the establishment of a common board of examiners for divinity degrees, composed of representatives from each of the said universities and colleges, and have undertaken each and severally, to recognize and formally to appoint, in the manner required by their regulations and by-laws, the said examining board thus constituted to act for them in all matters appertaining to the degrees of the faculty of divinity, within the said ecclesiastical province; and that the said provincial synod have by canon established such common board of examiners so agreed upon by the said universities and colleges; and whereas the said provincial synod have prayed for the passing of an Act to confer upon the metropolitan bishop of the said ecclesiastical province, power to confer degrees in divinity by himself or his representative within the said Province of Ontario and so far as the legislative jurisdiction of the said Province extends, (in addition to the powers already existing under their several charters, for conferring such degrees in the said universities), upon candidates who have passed the said board of examiners; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The bishop of the Church of England in the ecclesiastical Province of Canada, who shall hold for the time being, the office of metropolitan of the said ecclesiastical province, is hereby created a corporation sole, with the power to confer the degrees of bachelor and doctor of divinity, by himself or his representative, within the said Province of Ontario, and so far as the legislative jurisdiction of the said Province extends, upon such candidates only, as have received the certificate of the board of examiners established as aforesaid, (by canon of the said provincial synod for the purpose of holding examinations for such degrees), that the said candidates have successfully passed the examinations and performed all the other exercises required for such degrees.

Metropolitan
bishop in
Canada em-
powered to
confer degrees
in divinity.

2. Nothing herein contained, shall be held to confer upon the metropolitan, the power of conferring degrees *jure dignitatis*, or *pro honoris causâ*.

Honorary
degrees not to
be conferred by
metropolitan.

CHAPTER 143.

An Act to enable the Trustees of St. Andrew's Church, Chatham, to sell certain lands, and for other purposes.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS it has been made to appear by the petition of the Reverend John Rae Battisby and others, trustees and members of the congregation of St. Andrew's Church in the town of Chatham, in connection with the Presbyterian Church in Canada, (formerly in connection with the Church of Scotland), that by letters patent bearing date the 18th day of September, A.D. 1837, a certain parcel of land of ten acres in the said town of Chatham, and more particularly described in the said letters patent, was granted by the Crown to one Robert Innes and others therein named, in trust, for the benefit of the said congregation in connection with the Church of Scotland; that by the Act of the Legislature of Ontario passed in the 31st year of the reign of Her Majesty Queen Victoria, chaptered 70, the trustees for the time being of said congregation were authorized and empowered to make sale of the whole or any part of the said lands, and take mortgages to secure the purchase money or any part thereof as therein provided, and to apply a sum not exceeding \$3,500 of the proceeds of such sale in aid of the erection of a new church; that by the Act passed in the 38th year of the reign of Her Majesty Queen Victoria, chaptered 75, intituled "*An Act respecting the union of certain Presbyterian churches therein named*," it was declared that as soon as the union thereunder should take place, all property, real or personal, within the Province of Ontario, now belonging to or held in trust for or to the use of any congregation in connection or communion with any of the said churches, shall thenceforth be held, used and administered for the benefit of the same congregation in connection or communion with the united body under the name of the Presbyterian Church in Canada; that by the Act passed in the 43rd year of the reign of Her Majesty Queen Victoria, chaptered 78, the trustees for the time being of such congregation were authorized and empowered to mortgage or sell the portion of the said lands remaining unsold and apply \$10,000 in aid of the erection of a church for the use of such congregation, and were directed to invest the remainder of the proceeds of such lands when realized by them, in the manner provided by the said Act passed in the 31st year of the reign of Her Majesty Queen Victoria, chaptered 70; that the said lands were subdivided according to a plan duly registered in the registry office for the county of Kent and numbered 17; that part of lot twenty-six in block "B" according to such plan, (being all of such lot except the several portions thereof heretofore sold,

and

and conveyed by the trustees of St. Andrews Church aforesaid, to Phoebe Bowen by deed, dated the thirteenth day of November, 1889, and to Munro Trickey, by deed, dated the thirtieth day of November, 1869, and to Charles Murray by deed, dated the first day of September, 1876, all of which conveyances are duly registered in the registry office for the county of Kent, was used as a graveyard down to the year 1871, when the corporation of the town of Chatham established a public cemetery, since which the use thereof as a graveyard has been discontinued; that there remain unsold the following portions of such ten acres above mentioned and no others, namely: lot 15 in block "A," according to a plan and subdivision of St. Andrew's Church lands duly registered in the registry office for the county of Kent, and numbered seventeen, lots 5 and 14 in block "A" aforesaid, that part of lot 26 in block "B" according to the said plan, not heretofore sold and conveyed to the said Phoebe Bowen, Munro Trickey and Charles Murray, respectively, and that part of lot 25 in block "B" aforesaid, not heretofore sold and conveyed to Robert Smith by deed, dated the first day of October, 1872, or to Henry McPhilemy, the younger, by deed, dated the first day of September, 1876, or to Isabella Agnes Coltart by deed, dated the first day of September, 1876, all of which conveyances are duly registered in the registry office for the county of Kent; that lot 15 of block "A" aforesaid, is subject to a mortgage given by the trustees for the time being of St. Andrew's Church, to the Ontario Loan and Debenture Company, for \$5,000, and such portion of lot 25 aforesaid, remaining unsold is subject to a mortgage given by such trustees and now held by one Peter Neilson, for the sum of \$1,000; that Duncan McNaughton, Joseph E. Peers, Hugh Malcolmson, John Longwell, Donald Malcolm Christie, Duncan McLachlan and Duncan Hector McNaughton, are the present trustees of St. Andrew's Church; that the said trustees are desirous of being empowered to mortgage, sell or otherwise deal with the portions of such ten acres not heretofore sold including that part of the said lot 26 heretofore used as a graveyard, and of being authorized and empowered to apply the proceeds of the sale or mortgage of the said graveyard and of the other unsold portions of such above mentioned ten acres, in payment of the above recited incumbrances; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Those portions of the said ten acres in the preamble to this Act mentioned, now remaining unsold, shall be by virtue of this Act, and are hereby declared to be, vested in fee simple, upon the trusts mentioned in the said patent, and subject to the provisions contained in this Act and in the above recited Acts, (so far as they are not inconsistent with the provisions of

Lands remaining unsold vested in present trustees.

of this Act) in the said present trustees of the said congregation and their successors in office, and they are hereby authorized to carry out the intention and provisions of this Act, notwithstanding any irregularity (if any there be) in their appointment, and to lease, mortgage, sell or convey the said lands subject as to lot 26 in block B aforesaid to the provisions hereinafter contained.

Power to
remove bodies
to public
cemetery.

2. The said trustees and their successors in office shall have full power and authority forthwith after giving notice as hereinafter required, to remove, of their own accord and at their own expense, in a decent and orderly manner, and without any further notice to the friends and relatives of the dead, all the remains of the dead now interred in the lands and premises described as that part of lot 26 in block B according to the said plans not heretofore sold as aforesaid, to the public cemetery for the town of Chatham, and the remains of the dead so removed in pursuance of the powers in this section granted, shall be reinterred at the expense of the said trustees in suitable burial places.

Notice to relatives of
deceased.

3. The said trustees, before removing the remains of the dead as in the last preceding section authorized, shall give notice in writing to the relatives of the deceased when known, and shall, during the period of four weeks, publish a notice in four successive issues of the *Ontario Gazette*, and of two local newspapers published in the town of Chatham, which notice shall set forth the powers in the last preceding section granted, and that parties owning burial lots or having the remains of deceased friends or relatives interred in the said graveyard, may remove the remains to the public cemetery for the town of Chatham, where the trustees shall provide suitable burial lots therefor, and pay all reasonable expenses incurred or sustained in or by reason of such removal to or reinterment in the said burial grounds. In the event of parties not removing the remains as aforesaid, it shall be the duty of the said trustees to remove the same in a decent and orderly manner, and reinter them in suitable plots in the public cemetery for the town of Chatham, and with the remains so removed in pursuance of the powers herein granted to remove also and properly place in the proper burial plot to which they have removed said remains all grave-stones and monuments now erected in the said graveyard.

Trustees may
lease or sell
lands after
removal of
bodies.

4. So soon as the bodies which are now interred in the said graveyard are removed as provided herein, the said trustees and their successors are hereby empowered to lease for any term of years or to sell and convey such unsold portions of said lot 26, in fee simple or for any less estate, *en bloc* or in parcels from time to time according to such plan or survey as the said trustees may cause to be made of the said lands and premises, either by public auction or by private contract, for such prices, for cash or upon credit and upon such terms and conditions

conditions as may be deemed best by the said trustees, and the said trustees and their successors are hereby empowered and authorized to lease or sell and convey as aforesaid the said lands, freed and discharged of and from the said trusts, as expressed in the said patent from the Crown, and from all right, title, interest, claim or demand of any person or persons who may have acquired lots for burial purposes therein or of their representatives.

5. Should the said trustees sell the said land and premises or any part or parts thereof, and grant time for the purchase money, or any part thereof, they are hereby authorized and empowered to take and accept, as security for the payment thereof mortgages from the respective purchasers on the land sold to them respectively, or on other land containing the ordinary and usual covenants and powers of sale, and to enforce all such covenants and exercise such powers in the ordinary way, and in as full and ample manner, and to as full an extent as private individuals are authorized by law so to do; and such mortgage securities when paid to effectually discharge and release.

Mortgages may be taken for purchase money.

6. It shall be the duty of the said trustees and their successors in office to use due care and diligence that all the remains of the dead have been removed from the said burying ground before they build on or before they lease, mortgage or sell such unsold portion of lot 26 in said block B as aforesaid, but the title of any lessee, mortgagee or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold, if it shall be made to appear to the judge of the County Court of the county of Kent for the time being, and if he shall so certify under his hand, that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so leased, mortgaged or sold, and such certificate shall be registered in the registry office for the county of Kent, on the production thereof to the said registrar, and the payment to him of \$1 as a fee for such registration.

Certificate of county judge as to removal of bodies.

7. The moneys received by the said trustees or their successors on account of the sale or mortgage of the respective portions of such ten acres now remaining unsold, after satisfying and discharging out of the sum realized upon any such parcel, any mortgage, lien or incumbrance now subsisting thereon, shall be applied by the said trustees first in the payment of the expenses incurred by them in procuring and carrying out the provisions of this Act, and then in payment of the mortgages now held by the Ontario Loan and Debenture Company, and by Peter Neilson, respectively, and the remainder (if any) of such moneys shall be invested as provided by the 4th section of the said Act, passed in the 31st year of the reign of Her Majesty Queen Victoria, chaptered 70, but no mortgagee or purchaser of the said lands or of any part thereof shall be bound to see to the application of the purchase money.

Application of purchase money.

CHAPTER 144.

An Act respecting St. Andrew's Church Ottawa.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the Temporal Committee of St. Andrew's Church, in the city of Ottawa, have, by their petition, represented that they desire certain amendments to their Act of incorporation, being the Act passed by the Legislature of Ontario, in the 31st year of Her Majesty's reign, intituled "*An Act to Incorporate the Temporal Committee of St. Andrew's Church, in the City of Ottawa, in connection with the Church of Scotland, and to vest certain property in the said Temporal Committee,*" and also in the Act amending the same passed by the Legislature of Ontario in the thirty-eighth year of Her Majesty's reign and chaptered 86, and that it is necessary to constitute a separate board of trustees to hold, manage and sell or lease the lands of the said corporation known as the glebe lot, and to conserve and deal with the proceeds of any sales of such lands, and also to declare and define the purposes to which said proceeds may be applied, and for amendments as to the mode of electing the temporal committee, and the persons who shall be entitled to vote at the meetings of the congregation, and that the said congregation in special meeting assembled, have approved of the said petition and of the provisions of this Act, and the said temporal committee have, therefore, prayed for the passing of an Act effecting said amendments and granting said powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Lands vested in trustees.

1. Lot letter H, in concession C, Rideau front, of the township of Nepean, in the county of Carleton, known as the glebe lot, and the rents, issues and profits of the said lot are hereby vested in Erskine Henry Bronson, Francis Henry Chrysler and George Stockand and their successors and assigns forever as a corporation, and the said Erskine Henry Bronson, Francis Henry Chrysler and George Stockand and their successors in office, to be elected in manner hereinafter provided, are hereby constituted and declared to be a body politic and corporate by the name and style of "The Glebe Trustees of St. Andrew's Church, Ottawa," hereinafter referred to as the trustees, and shall have all the rights and powers vested in corporations generally by *The Interpretation Act*, and the said corporation shall have and hold the said lands and premises, and the rents, issues and profits thereof, and all the easements and appurtenances thereof, in as full and ample

ample a manner as the same are now held and enjoyed by the temporal committee of St. Andrew's Church, in the city of Ottawa, in connection with the Church of Scotland, including the portions of the said lot held by the said temporal committee under lease from the principal officers of Her Majesty's Ordnance; and also, the right, title and interest of the said temporal committee, whether legal or equitable in any portions of the said lot heretofore sold, or agreed to be sold by them, but subject to all mortgages, liens, contracts, obligations and incumbrances upon the said lot or affecting the same, as the same subsisted immediately before the passing of this Act.

2. The trustees shall have the right to maintain and enforce in their corporate name all the rights of the temporal committee with respect to the said glebe lot, as the same subsisted immediately before the passing of this Act, and all mortgages, contracts of sale, leases, forfeitures and agreements made by or with the temporal committee with respect to the property hereby vested in the said trustees, and may also in their own name vary, renew, and in whole or in part assign, discharge and release, or otherwise deal with any mortgage, or any other contract, agreement or obligation made by the said the temporal committee of St. Andrew's Church with respect to the said glebe lot.

Powers of temporal committee transferred to trustees.

3. The said lands and premises hereby vested in the trustees shall be held by the trustees to, upon and for the trusts, purposes and uses declared and expressed in respect of the same in and by this Act.

Lands to be held upon certain trusts.

4. The trustees may from time to time, make, alter and repeal by-laws not contrary to law or this Act, respecting the said property and the maintenance and improvement thereof, the regulation and conduct of the business of the trustees, the mode of executing the powers and duties of the trustees and of their servants and agents, the books and accounts to be kept, the deposit, withdrawal, and investment of money, the employment and remuneration of a secretary and treasurer or secretary-treasurer, and any other assistance that may be from time to time required, and all other similar or different matters relating to the said trust which they may deem expedient for and in the interests of their trust, and the *bona fide* payment of any money to and the receipt thereof by the Treasurer of the said Trustees shall effectually discharge the person paying the same from seeing to the application or being answerable for the misapplication thereof.

Trustees may make and repeal by-laws.

5. No such by-law shall have any force or effect unless and until approved and ratified by a majority of those members of the congregation who are present at any annual or special meeting of the said congregation.

By-laws to be ratified by congregation.

Trustees may sell or lease lands with consent of members.

6. The said trustees may lease, sell, alienate and convey, the said lands and premises, or any part thereof, but no lease or sale of the said lands, or any part thereof, shall be valid, unless and until, a majority of the members of the congregation, entitled to vote, and present at any annual or special meeting of the said congregation, shall consent to the terms of the by-law authorizing such lease or sale as hereinafter provided.

Consent of members, how given and powers of trustees there-after.

7. Such consent shall be given by by-law, passed by the trustees, and ratified at such annual or special meeting, and the said by-law may provide for selling or letting the whole property, or any part or parts, or any blocks, parcels, or lots thereof, at a minimum price or rental, and upon terms and conditions to be set forth in such by-law, but the said by-law need not contain the names of purchasers or lessees, and may contain any number of blocks, parcels or lots, in one by-law, and after the consent of the congregation shall be so given to, such price or rental, the said trustees may make and complete any contract for selling or letting such property to any purchaser or lessee, and may grant, convey or lease the same, and carry into effect the said by-law, upon the terms and conditions therein set forth. The said trustees shall be at liberty, in their discretion, to demand and obtain, a higher price or rental, than that named in the by-law, and they shall not be compelled to sell or lease, upon the terms of the by-law, unless they see fit to do so, and such by-law shall be construed merely as permissive. The congregation may, however, at any time by vote of two-thirds of the persons voting, and entitled to vote, at any annual meeting of the congregation, or at any special meeting, duly called for that purpose, pass a peremptory resolution or by-law directing the selling or leasing the said property or any part thereof, and it shall thereupon be the duty of the said trustees to give effect thereto so far as may be.

Trustees may borrow money on mortgage with consent of members.

8. The trustees may, from time to time, mortgage the said property, or any part thereof, for the purpose of borrowing any sums of money required for any purpose to which the proceeds of the sales of the said property may be applied; provided that such mortgage be made, with the consent of a majority of the members of the congregation present, and entitled to vote, at any annual or special meeting of the said congregation.

Certified copy of by-law to be evidence.

9. A copy of any by-law, passed for any of the purposes aforesaid, or of so much thereof as relates to the parcel of land in question, certified under the seal of the trustees, shall be sufficient evidence of the said by-law, and of the consent of the congregation having been lawfully given thereto, and no want of form, in the calling of, or proceedings at any meeting, or in any such by-law or certificate, shall render void or voidable any lease, conveyance, or mortgage, executed in pursuance thereof.

10. The trustees may expend any portion of the principal derived from the sale of the said lands, for roads, drainage, fences, buildings and in such other permanent improvements as may from time to time be necessary, but no outlay for any work or improvement involving an expenditure of more than \$500, shall be undertaken without the consent of the congregation to a by-law for that purpose in the same manner as in cases of sales of land.

Expenditure of proceeds of sale by trustees.

11. The trustees may, with the like consent, take payment or part payment for land, in the stock of any company organized to improve and sell the said lands or any part thereof.

Trustees may accept stock in certain companies in payment for land.

12. The income derived from rents and interest, shall be applied, first, in payment of the taxes, repairs and other necessary expenses and outlay in maintaining, conserving and managing the said property, but no sum shall be paid for the personal services of the members of the board, and the balance, if any, shall be paid over to the temporal committee annually on or before the first Monday in March in each year.

Application of income from rents and interest.

13. The moneys received from sales of land, shall be separated, and kept separate, from the rents and interest, and shall be funded, and shall be applied, first, in the payment of the mortgages, charges and incumbrances, affecting the said property, and afterwards, to such purposes, as may be, from time to time, designated, by by-law of the temporal committee duly sanctioned at a general meeting of the congregation, provided that such purpose is within the scope of this Act or of either of the Acts hereby amended, and upon the authority of such a by-law duly sanctioned, it shall be the duty of the trustees to pay over to the temporal committee so much of the principal moneys in their hands as are designated by such by-law. Pending such payment and unless invested under the powers conferred by section fourteen, all such moneys shall be deposited in one of the chartered banks of the Dominion of Canada to the credit of the trustees, and shall only be withdrawn by the cheque of a majority of the trustees.

Application of proceeds of sales.

14. The said trustees shall have all the powers of investment which by law trustees or executors now have in this Province, and may sell and convert into cash any mortgages held by them.

Powers of investment of trustees.

15. Deeds mortgages leases, contracts and conveyances to which the trustees are parties, shall be sufficiently executed by them if sealed with their corporate seal as such trustees and signed by two of the trustees.

Execution of deeds etc., by trustees.

16. The temporal committee shall hereafter consist of six members who shall hold office for three years, two of them retiring annually, in rotation, and upon the first election held after

Temporal committee, election and tenure of office of.

after the passing of this Act, two of such members shall be elected for three years, other two for two years, and the remaining two for one year, or until the then next annual meeting and the persons theretofore composing the temporal committee shall thereupon cease to hold office.

Trustees, election and term of office of.

17. The trustees shall also hold office for three years, one of them retiring annually, in rotation, and upon the first election held after the passing of this Act one of such members shall be elected for three years, another of them for two years, and the third for one year or until the then next annual meeting and thereupon the trustees named in section 1 shall cease to hold office.

First meeting for election of committee and trustees.

18. The first meeting for the election of a temporal committee and of trustees, under this Act, shall be a special meeting, and shall be held on the first Monday of the month of June next after the passing of this Act, and thereafter, such election shall take place at the annual meeting of the congregation on the first Monday in the month of March, and such election shall be by ballot, after nomination.

Retiring members of committee, or trustees eligible for re-election.

19. Any retiring member of the temporal committee, or any one of the trustees, not otherwise disqualified, shall be eligible for re-election, but no member of the temporal committee shall be eligible for election to the office of trustee.

31 V. c. 61, s. 5, amended.

20. Section 5 of the Act passed in the 31st year of Her Majesty's reign and chaptered 61, is amended by striking out all the words in the said section after the word "property," in the fourteenth line thereof.

38 V. c. 86, s. 2, amended.

21. Section 2 of the Act passed in the 38th year of Her Majesty's reign chaptered 86 is amended by striking out all the words from the beginning of the said section down to, and inclusive of the word "congregation" in the sixth line thereof and by substituting therefor the words following, "such leases sales or mortgages only made by the said corporation shall be valid, as shall be first authorized by by-law passed by the temporal committee and ratified by a majority of two-thirds of the persons present and entitled to vote at any annual or special meeting of the congregation."

31 V. c. 61, s. 9, amended.

22. Section 9 of the Act passed in the 31st year of Her Majesty's reign chaptered 61, is amended by striking out the words "proprietors or lessees of pews or parts of pews" in the ninth line thereof, and substituting therefor the word "persons," and by striking out the words "as hereinafter provided" in the tenth line thereof

23. Section 12 of the Act passed in the 31st year of Her Majesty's reign, chaptered 61 is repealed and the following section substituted therefor :— 31 V. c. 61, s. 12, repealed.

12. The following persons, and such only, shall be considered members of the said congregation for the purposes in this Act mentioned and declared, and shall have a right to vote for the election of members of the temporal committee, and for trustees, and upon all matters submitted at meetings of the congregation viz:— Who may vote at election of trustees or committee.

(1) The minister or ministers of the said congregation.

(2) All proprietors of pews, and lessees of pews, or parts of pews, who have been actual occupants of a pew, or pews, or of a part of a pew, for at least one year immediately previous, and who are not in arrears for more than one year's rent.

(3) All members of the said church, whether pew-holders or not, in good standing who are twenty-one years of age and not otherwise disqualified, and who have been communicants of the said church for at least one year immediately previous.

24. The minister of the congregation, if present, shall preside at all meetings of the congregation, and in his absence a chairman elected by the meeting shall preside. Who to preside at meetings of congregation.

25. Section 14 of the Act passed in the 31st year of Her Majesty's reign, chaptered 61 is repealed. 31 V. c. 61, s. 14, repealed.

26. Section 15 of the said Act is amended by striking out all the words from the beginning of the said section down to, and including the word "and" in the fifth line thereof, and by inserting the words "or trustees" after the words "temporal committee" wherever the same occur in that section. 31 V. c. 61, s. 15, amended.

27. Section 16 of the said Act is amended by inserting the words "the temporal committee or of the Board of Trustees" after the word "of" at the end of the first line thereof, instead of the words "the said corporation." 31 V. c. 61, s. 16, amended.

28. Section 17 of the said Act is amended by striking out the words "and also at all meetings of the congregation" in the eighth and ninth lines of the said section. 31 V. c. 61, s. 17, amended.

29. Section 18 of the said Act is repealed and the following section substituted therefor : 31 V. c. 61, s. 18, repealed.

18. There shall be opened and kept by the said corporation a register, in which shall be entered and recorded from time to time the proceedings and transactions of the corporation which shall be open to the inspection of every member of the congregation at all reasonable times. Register of proceedings to be kept.

§1 V. c. 61, s.
19, repealed.

30. Section 19 of the said Act is repealed and the following section substituted therefor :

Committee
and trustees to
submit ac-
counts to an-
nual meetings.

19. The temporal committee and the trustees shall at each annual meeting submit full and correct accounts of their receipts and expenditure, and of their dealings with the funds and property respectively vested in or belonging to them.

§1 V. c. 61, s.
20, repealed.

31 Section 20 of the said Act is repealed and the following section substituted therefor :

Special meet-
ings of congre-
gation, how
called.

20. The temporal committee or the trustees may call special meetings of the congregation by notice from the pulpit of St. Andrew's church during the service on each of the two successive Sundays immediately preceding the day appointed for such general meeting, and on a requisition signed by ten members of the said congregation it shall be the duty of the temporal committee, or of the trustees as the case may be, to call a special meeting of the congregation to be held within ten days after the delivery of such requisition or so soon thereafter as due notice can be given. The purpose or object of such meeting shall be specified in the requisition and in the notice calling the same and no business shall be transacted at any such special meeting other than that specified in the notice calling the same.

Application of
proceeds of
sale of glebe
lands.

32. Subject to the provisions of section 13 the proceeds derived from the sale of said glebe lands, or any lease or mortgage thereof, or of any part thereof, may be applied :

(1) In the erection of any additional buildings upon the property of the congregation on Wellington street and Sparks street, in the city of Ottawa, required for the use of the said congregation, or in repairs, additions and improvements to the church and buildings now erected upon the said property, or which may at any time hereafter be erected thereon.

(2) In the purchase of land, improved or unimproved, in the said city of Ottawa, not exceeding \$1,000 in annual value, and in building, repairing, altering or improving any house or buildings upon the said lands for a manse for the use of the minister or ministers of the said congregation.

(3) In erecting directly, or by contribution, one or more churches or schools in the city of Ottawa, or in the suburbs thereof, for the use of the said congregation, or of a congregation, or congregations, hereafter to be organized within the Presbyterian Church in Canada. And in the purchase of land for any of the purposes aforesaid.

(4) In any other similar or different way for the benefit of the said congregation, or of the Presbyterian Church in Canada, which shall be authorized by by-law of the temporal committee and approved of by the congregation as herein provided.

CHAPTER 145.

An Act to facilitate the administration by the Synod of Huron, of certain trusts relating to St. Thomas Church, Dover East.

[Assented to 7th April, 1890.]

WHEREAS the incorporated synod of the diocese of Preamble
Huron have by their petition, set forth that one Ann Smith, in her lifetime, of the town of Chatham, in the county of Kent, set apart lot number 12, in the 1st concession of the township of Dover East, in the said county of Kent, for the purpose of erecting and endowing the church hereinafter referred to, and of providing for the maintenance thereof, and for the support of the incumbent thereof, and to that end by deed, dated the 2nd day of June, A.D. 1847, did grant and convey the said lot, except five acres thereof which had been theretofore conveyed by her for the same object, unto the Right Reverend John Strachan, Lord Bishop of Toronto, upon trust to receive and accumulate by investment the rents and profits of the east half thereof, and, upon the happening of certain events, out of the proceeds of such accumulations to erect a church upon the said five acres, to be called St. Thomas Church, and thereafter to apply any surplus of the said accumulations, and the future income of the said east half of the said lot "for the purpose of keeping said church in repair, and "in making improvements thereof, and for the purpose of making improvements upon the parcel of five acres around such "church" in such manner as the incumbent and churchwardens for the time being should from time to time direct; and upon trust, to apply the income of the west half of the said lot to the support of the incumbent for the time being of the said church; and that the said church was erected accordingly in or about the year A.D. 1876; and that the said lot is now vested in the said synod who are now the duly constituted trustees under the said trust deed; and that the said church is at present in a proper state of repair; and that it may be desirable to erect a residence for the incumbent, on the said five acres, and it is doubtful whether the words of the said recited trust would cover such purpose; and that the income of the said east half of the said lot, has so increased by accumulation that the objects designated by the said recited trust thereof, even after providing for the erection of a residence for the incumbent as aforesaid do not exhaust the same, in consequence whereof there is a large and constantly increasing surplus in the hands of the said trustees, which is held by them in trust for the said church, but without adequate directions as to the manner of application thereof, and that it is desirable and in the interest of the said church, that such surplus

plus should be applied in the discretion of the said synod to the support of the incumbent of the said church; and by the said petition, it is prayed that as well for the purpose of removing the said doubt and more fully declaring the scope and object of the said recited trust, as of aiding the said synod in the administration thereof, this Act may be passed; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

Erection of residence for incumbent authorized.

1. The erection of a residence for the incumbent of the said church of St. Thomas, upon the said parcel of five acres is such an improvement of the said parcel as is contemplated by the said recited trust, and such residence may in the discretion of the said synod, and with the approbation of the incumbent and churchwardens, for the time being of the said church, as directed by the said trust deed, be erected on the said parcel out of the income and accumulations of income of the said east half of the said lot.

Synod may apply surplus income to support of incumbent.

2. The said synod are hereby authorized and empowered, in their discretion, to apply such portion of the income and accumulations of income of the said east half of the said lot, as may from time to time remain in their hands, after satisfying the expenses incidental to the execution of the said trust thereof, and the other objects and purposes designated by the said recited trust to or towards the support of the incumbent for the time being of the said church.

CHAPTER 146.

An Act respecting the Hamilton Patriotic Volunteer Fund.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS in the year 1866 the 13th Battalion of active militia of Hamilton were ordered to the front along with other corps of volunteers and regular regiments of Her Majesty's army on the occasion of the Fenian raid from the United States of America across the Niagara river, and the said 13th Battalion took part in the engagement at Limeridge near the village of Ridgeway, in the county of Welland; and whereas the Hamilton Field Battery were also called out and sent to the front on the same occasion; and whereas the said two corps, the 13th Battalion and Hamilton Field Battery, by their

their petition have represented that at or about the time of the said raid a fund was raised by certain citizens of Hamilton known as "The Hamilton Patriotic Volunteer Fund," and a portion thereof was expended in defraying certain expenses incurred for the benefit of the volunteers, and the balance thereof being the sum of over \$913.40 was on the seventh day of April, 1870, deposited in the Bank of Montreal at Hamilton, in the names of the late Honourable Isaac Buchanan, the Honourable Donald McInnes and Lieut.-Colonel James A. Skinner as trustees; and whereas the said fund was subscribed and paid by the citizens of Hamilton for the use and benefit of the volunteer or active militia force of the city of Hamilton, and in order to provide articles of outfit and equipment not supplied by the government, but which in time of active service would be highly necessary, and would greatly contribute to the efficiency of the said corps; and whereas the said Honourable Isaac Buchanan died several years ago, and the surviving trustees, though expressing a willingness to be relieved from the trust, have never actually paid over the said funds, and doubts have been suggested by them as to their authority so to do; and whereas on the tenth day of August, 1889, the accrued interest amounting to the sum of \$647.60 was added to the principal and a new deposit receipt for the sum of \$1,561 was issued on the last mentioned day in favour of the legal representatives of the late Honourable Isaac Buchanan and the said the Honourable Donald McInnes and Lieut.-Colonel James A. Skinner, as trustees of the said fund; and whereas the original subscribers to the said fund have signed a request to the said trustees to pay the said fund and the interest thereon to the 13th Battalion and the Hamilton Field Battery, in the proportion of three-fourths to the former and one-fourth to the latter of the said corps; and whereas the expenditure of the said fund in the purchase of articles of equipment and outfit, including camp utensils and equipage not supplied to the active militia force by the Government of Canada, would be carrying out substantially and strictly the intentions of the original subscribers, and complying with the terms of any trust that ever existed with reference the said fund; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Bank of Montreal and the said surviving trustees of the said Hamilton Patriotic Volunteer Fund, and the legal representatives of the late Honourable Isaac Buchanan, are hereby authorized and required to pay over the balance of the said fund and all interest which has accrued thereon to the commanding officers of the said 13th Battalion of active militia and the Hamilton Field Battery of artillery, in the proportions of three-fourths thereof to the former

Trustees
to pay over
balance to
13th Battalion
and Hamilton
Field Battery.

former and one-fourth to the latter of the said two corps and such payment shall effectually discharge them from all responsibility for the said fund and the application thereof; and the said funds when so paid over shall form a part of the regimental funds respectively of the said two corps, to be expended from time to time as may be advisable or necessary in purchasing accoutrements, outfit, camp utensils, and equipage and other supplies of use and advantage to the said corps, and not furnished to them by the Government of Canada.

CHAPTER 147.

An Act to amend the Act incorporating the Toronto Young Men's Christian Association.

[Assented to 7th April, 1890.]

Preamble.

WHEREAS the Toronto Young Men's Christian Association have by their petition prayed that their Act of Incorporation may be amended as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

31 V., c 59, s. 1
amended.

1. Section 1 of the said Act passed in the 31st year of Her Majesty's reign, chaptered 59, entitled "An Act to incorporate the Toronto Young Men's Christian Association," is hereby amended by striking out all the words in the eleventh line of said section after the word "estate" and the whole of the twelfth line thereof, and by substituting therefor the following: "in the said city of Toronto and its vicinity, provided the annual value of the real estate so held and not actually used for the work of the said corporation."

31 V., c 59, s. 3
repealed.

2. Section 3 of the said Act is hereby repealed and the following substituted therefor:—

Objects of the
corporation.

3. The object of the said corporation shall be the spiritual, mental, social and physical improvement of young men by the maintenance and support of meetings, lectures, classes, reading rooms, libraries, gymnasiums, and such other means as may from time to time be determined upon.

Corporation
may establish
branch
associations.

3. The said corporation may establish and maintain branch associations in different parts of the said city and vicinity thereof.

4. The real estate of the said corporation shall be managed and controlled by the present board of trustees of the said association and their successors in office, and shall not, nor shall any part of it, be liable for any future debt or obligation unless the same shall have been contracted with the consent of the board of trustees of said corporation.

Trustees to
control real
estate of cor-
poration.

CHAPTER 148.

An Act for the appointment of new Trustees of the Settlement of William Chaplin.

[Assented to 7th April, 1890.]

WHEREAS William Chaplin and Harriet Chaplin his wife, Preamble.
have by their petition represented that prior to the second day of July, 1869, William Chaplin was seized in fee simple in possession of certain real estate, viz.: part of the north half of lot number eighteen in the third concession from the Bay in the township of York and County of York, and known as lot number ten, as laid down on a plan of said lot made by Messrs. Wadsworth and Unwin, P.L.S., and registered in the registry office for the county of York as number 284 and also part of lot number twenty-one in the third concession from the Bay in said township of York and known as lots numbers, five, eight, nine, ten and eleven, as laid down on a plan of part of said lot (that part belonging to the estate of the late E. W. Thompson, Esquire) made by Messrs. Wadsworth and Unwin, P. L. S., and registered as number 288, and by indenture which is dated on the second day of July, 1869, and registered in the registry office for the county of York on the third day of July, 1869, as number 850, conveyed the said real estate to John Dew of the township of York, in the county of York, Esquire, and his heirs upon trust, and to and for the uses, intents and purposes hereinafter declared, that is to say, for and during the natural life of the said William Chaplin, to have and receive the rents, issues and profits of the said premises and pay the same to him the said William Chaplin, but free and clear of and in no manner subject to the debts of the said William Chaplin, and from and after the death of the said William Chaplin, his wife the said Harriet Chaplin him surviving, to apply the rents, issues and profits of the said lands to and for the use, benefit and behoof of the said Harriet Chaplin or of his wife and children, or of his wife or any one or more of his children during the life of the wife of the said William Chaplin in such manner and proportion as the said William Chaplin should by his last will and testament executed in a manner to pass real estate direct and appoint, and
from

from and after the death of the said Harriet Chaplin to have and to hold the said lands to the use of any child or children of the said William Chaplin for such estate or estates and in such manner and proportion as the said William Chaplin should by his last will and testament, or any instrument under his hand and seal direct and appoint, and in case the said William Chaplin should fail to make such direction and appointment, then upon trust to convey and assure the said lands to and among the children of the said William Chaplin, their heirs and assigns as tenants in common or in separate and apportioned equal shares as to the said trustee shall seem just and most expedient, and in case of the death of any such child or children before the said conveyance and division without issue then upon trust, to divide the share of the child so dying between the surviving child or children share and share alike; and in case of the death of all the children before the execution of the conveyances and division or divisions of the said property among them without issue, then in trust to convey the said lands to the proper heirs of the said William Chaplin, their heirs and assigns; that the said John Dew departed this life on or about the third day of November, A.D. 1879; that there is no power contained in said indenture of settlement for the appointment of new trustees, nor is there any power in said indenture for the trustees to sell or lease the said real estate or any part thereof, and the same were left out of said indenture of settlement by inadvertence, that the said William Chaplin and Harriet Chaplin are desirous of having William John Chaplin and James Dew Chaplin appointed as successors in trust to said late John Dew: that the said lands have greatly increased in value since the date of said settlement, and it would be of considerable advantage to said trust estate if a sale of the same were effected and power given to the trustees to invest the proceeds thereof in other suitable securities: and the said petitioners have prayed that the real estate now subject to the trusts of the said indenture of settlement may be vested in the said William John Chaplin and James Dew Chaplin with power to the said William John Chaplin and James Dew Chaplin to sell the said lands and reinvest the proceeds of the sale of the same from time to time, subject to the approval and consent of said petitioners, and the said original trust estate or as converted to hold upon the trusts of the said deed, save and except as the same are hereinafter modified or changed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands vested
in new
trustees.

1. The said real estate now subject to the trusts of the said indenture shall be and the same is hereby vested in the said William John Chaplin and James Dew Chaplin and their heirs, executors

executors and administrators as joint tenants for all the estate, right and title therein which would now be vested in the said John Dew if he were now living.

2. The said William John Chaplin and James Dew Chaplin and the survivor of them, and the executors and administrators of such survivor or other the trustee or trustees for the time being of the said settlement shall have full power to sell, convey and dispose of the said real estate for the whole or any lesser estate, right, title or interest at law or in equity therein, and the proceeds of such sales to invest on securities as hereinafter provided, and the same to sell from time to time and reinvest: Provided, however, that no sale shall be made during the lifetime of the said William Chaplin and Harriet Chaplin without their consent in writing thereto, nor in the event of the death of either of them without the consent in writing of the survivor.

New trustees authorized to sell lands.

Proviso.

3. Any person or persons who as trustee or trustees for the time being may at any time have authority to sell or convey or lease, until the death of the survivor of the said William Chaplin and his said wife with the consent aforesaid, and subsequently as he or they may think fit, may sell at public auction or by private contract for cash, or on credit with security for payment by reconveyance by way of mortgage or other security, and the purchase money receive and discharges therefor give, and any one buying shall not be bound to see to the application of the purchase money, and any sale may be upon, with and subject to any stipulations and conditions as such trustee or trustees may think fit, and if it shall so happen that by reason of any determination or forfeiture of any contract of sale or of any mortgage such trustee or trustees may take as security, the same may be resold with any and under any of the powers herein contained which shall be existing.

Terms of sale.

4. The Chancery Division of the High Court of Justice or any Judge thereof, may from time to time appoint any person or persons to exercise all or any of the powers or directions by this Act given or conferred, or in said deed contained, either solely or jointly with the said William John Chaplin and James Dew Chaplin, or with either of them, or with the trustee or trustees for the time being of the said settlement and may cancel from time to time such appointment and appoint another or others in the stead of any whose appointment may be cancelled, and upon any such appointment as aforesaid the estate in the aforesaid lands or securities shall vest in the person or persons so appointed jointly with the said William John Chaplin and James Dew Chaplin, or the trustee or trustees for the time being, and on any cancellation of such appointment shall revert without the execution of any conveyance, transfer or other instrument.

Chancery Division may appoint new trustees.

Investment
of proceeds of
sales.

5. All moneys received as proceeds of sales or rentals received after the death of said William Chaplin, or otherwise shall, after deducting all necessary and incidental expenses towards the execution of any of the powers or directions by this Act, or by the said indenture of settlement given or conferred, or on directions that may be required or granted by the court, shall be invested in such securities as trustees, executors and administrators may lawfully invest trust funds in under the provisions of the *Act respecting Trustees and Executors and the Administration of Estates*.

Disposition of
estate on
death of Wil-
liam Chaplin.

6. The said trustees at the death of said William Chaplin shall, unless otherwise directed by the last will and testament of the said William Chaplin, sell the said properties, if not before sold, and from the proceeds of such sale shall invest in securities, or from the securities then held by them retain and invest in securities authorized as in section 5 provided and satisfactory to the said Harriet Chaplin if she be then living as well as to themselves the sum of \$10,000 to be held by them in trust to pay the interest or increment therefrom quarterly or half-yearly to the said Harriet Chaplin during her lifetime, and on her death divide the same as directed by the last will and testament of the said William Chaplin, or in default of appointment or direction by the said William Chaplin in his last will and testament, to divide the said sum of \$10,000 amongst the children of the said William Chaplin and their issue share and share alike, the issue of any dead child or children to represent his, her or their parent.

Disposal of
residue of
trust prop-
erty.

7. The remaining or surplus property of the said trust held by the said trustees at the time of the death of the said William Chaplin, shall in the event of his dying intestate or in default of appointment, be divided amongst the surviving children of the said William Chaplin and the issue of any one or more of them who may have predeceased the said William Chaplin share and share alike, the issue of any deceased child to represent such child, and to divide her or his share amongst them share and share alike.

Division in
case Harriet
Chaplin
should pre-
decease
settlor.

8. In the event of the death of said Harriet Chaplin prior to said William Chaplin, the said trustees shall divide the whole of the said trust estate in manner as provided in section 7 hereof.

Clauses of
deed not re-
pugnant to act
not affected.

9. All the clauses in said trust deed contained shall remain in full force and effect except in so far as the same are inconsistent with or repugnant to this Act.

CHAPTER 149.

An Act to enable William Lawrence and others to lease certain lands.

[Assented to 7th April, 1890.]

WHEREAS the Reverend James Harris, late of the city of Preamble.
Toronto, by his last will and testament, dated the 23rd day of April, 1870, duly executed and sufficient for the purposes thereof, did devise to his wife, Fidelia Harris, during her natural life, the net income or proceeds that may be derived from the houses and lands situate on the south-east corner of Queen and Bay streets, Toronto, said lands having a frontage on Queen street of one hundred and thirteen feet by a depth on Bay street of one hundred and seven feet, subject to a right of way over the southerly eleven feet thereof; and whereas the said Reverend James Harris, by his said will, did, subject to the said life estate to his said wife, devise the westerly portion of the said lands having a frontage on Queen street of twenty-seven feet by a depth of ninety-six feet more or less to a lane, and the easterly portion of said lands having a frontage of twenty-nine feet by a depth of ninety-six feet, more or less to said lane, to Emily Elizabeth Harris during her natural life and to whomsoever she might appoint by any last will and testament, in fee or otherwise, notwithstanding her coverture if such should be the fact, and, in default of appointment, to her children, if any, absolutely, and if she leave no children her surviving to the right heirs of the testator absolutely; and whereas the said Reverend James Harris, by his said will, did give and devise, upon the death of his said wife, to the executors named in said will, that portion of said lands lying immediately to the east of the first parcel so devised to the said Emily Elizabeth Harris, having a frontage of twenty-eight feet on Queen street by a depth of ninety-six feet, more or less, to said lane, to hold the same in trust for the use and benefit of Charlotte Emma Foster during her natural life, and in event of her death leaving children, then the said testator directed that the same parcel of land should be sold by his said executors and proper deed or deeds thereof be executed by them or the survivor of them to the purchaser or purchasers thereof and the proceeds thereof should be equally divided amongst the children of the said Charlotte Emma Foster, and in case of her death without children surviving her and without leaving any last will appointing the same which she was authorized to do notwithstanding her coverture if such should be the fact, then the said testator directed that the same should be given to his own right heirs absolutely, share and share alike; and whereas the said testator further devised

devised the remaining portion of said lands, the same having a frontage on Queen street of twenty-nine feet, upon the death of his said wife, to Emma Fidelia Lawrence during her natural life and to whomsoever she might appoint by any last will and testament in fee or otherwise, notwithstanding her coverture, and in default of appointment to her children, if any, absolutely, and in case she should leave no children her surviving, then to the right heirs of the said testator absolutely; and whereas the said testator died on or about the sixth day of September, 1873, and his widow, the said Fidelia Harris, died on or about the 29th March, 1874; and whereas the said William Lawrence and William John Stibbs are the surviving executors and trustees under the said will; and whereas the said Charlotte Emma Foster is providing for the support, maintenance and education of James William Percival Foster, Ida Emma Irene Foster and Norman Foster, her only children; and whereas the buildings upon the said lands are unsuitable to the locality, having fallen into decay, and in order to make the said lands productive, it is necessary that the said buildings should be replaced by more commodious buildings; and whereas the said Emily Elizabeth Harris, Emma Fidelia Lawrence and Charlotte Emma Foster have, by their petition, prayed that an Act may be passed to enable the said lands to be leased to a tenant or tenants who will erect suitable buildings thereon with such rights of renewal as the trustee or trustees may think expedient; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees empowered to lease lands.

1. The said William Lawrence and William John Stibbs and the trustees or trustee for the time being who shall be appointed under the said will, are hereby empowered with the sanction of the said Emily Elizabeth Harris, Emma Fidelia Lawrence and Charlotte Emma Foster, from time to time, to demise and lease the said parcel of land situate on the south-east corner of Queen and Bay streets, Toronto, and having a frontage of one hundred and thirteen feet on Queen street by a depth of one hundred and seven feet on Bay street, but subject to the right of way over the southerly eleven feet thereof, or with the sanction of the said Emily Elizabeth Harris, Charlotte Emma Foster and Emma Fidelia Lawrence, respectively, to demise and lease the several parcels thereof devised to them respectively by the said will, and to give and grant good and valid leases thereof for such terms of years with such rights of renewal as to the said William Lawrence and William John Stibbs, or the trustees or trustee for the time being under said will, shall seem expedient.

CHAPTER 150.

An Act to enable Charles Northcote to settle Certain Lands.

[Assented to 7th April, 1890.]

WHEREAS Charles Northcote of the township of Etobicoke, in the county of York and Province of Ontario, gentleman, has by his petition represented that Richard Northcote, late of the city of Toronto, in the Province of Ontario, gentleman, deceased, died at the said city on or about the 22nd day of August, 1886, after having first duly made his last will and testament in writing, duly executed, and bearing date the third day of May, 1881, together with a codicil thereto, bearing date the 22nd day of February, 1884, and also that the said last will and testament contained the following devises unto the said petitioner Charles Northcote:—I give, devise and bequeath to my son Charles Northcote, his heirs and assigns forever, all and singular that certain parcel or tract of land and premises, being composed of the easterly part of lot number two in the first concession from lake Ontario, in the township of Etobicoke, in the said county of York, containing by admeasurement six acres and one hundred and thirty-three and one-half square rods, and more particularly described in a certain deed from one William Price the elder, to one William Price the younger, to hold to my said son Charles, his heirs and assigns, and his and their use forever; I give, devise and bequeath to my said son Charles, and to his heirs and assigns forever, all and singular that certain other parcel or tract of land and premises, being composed of the easterly half of lot number two in the first concession of the township of Etobicoke, containing about forty-three acres, and more particularly described in a certain deed from James Price and Mary his wife to me, bearing date the nineteenth day of July, A.D. 1839, to hold to my said son Charles, his heirs and assigns, and his and their use forever; I give, devise and bequeath to my said son Charles, his heirs and assigns forever, all that certain other parcel or tract of land and premises, being the broken front of lot number two in the said township, on lake Ontario, containing about fifty acres of land, and more particularly described in a certain deed from one John William Gamble and Mary his wife to me, dated the nineteenth day of January, 1847, to hold to my said son Charles, his heirs and assigns, and his and their use forever; I give, devise and bequeath to my said son Charles, his heirs and assigns forever, all and singular that certain other parcel or tract of land, being composed of the west half of the broken front of lot number three in the first concession of the said township, containing about forty acres, and is more particularly described in a certain deed from one Richard Duncan

Duncan Murchison and Sarah his wife to me, dated the twenty-eighth day of December, A.D. 1851, to hold to my said son Charles, his heirs and assigns, and his and their use forever; I give, devise and bequeath to my said son Charles, his heirs and assigns forever, all those certain other lots of land, situate on the south side of Hayden street, in the said city of Toronto, being composed of lots numbers six and seven on the south side of the said street, which I purchased from one William John Hayden and one William Hayden, respectively, the 15th day of March and the 5th day of May, A.D. 1857, to hold to my said son Charles, his heirs and assigns, and his and their use forever; all the rest, residue and remainder of my said estate, real and personal, I hereby give, devise and bequeath unto my sons Henry and Charles, their heirs and assigns, and their use forever, to be equally divided between them share and share alike; lastly, my will is and devises hereinbefore made to my sons Henry Northcote and Charles Northcote, of lands in the city of Toronto and the township of Etobicoke, are subject to this express condition, that they do not sell or mortgage the said lands or any part thereof during their lives, but with power to each of them to devise the same to their respective children as they may think fit, in such way as they or either of them may respectively desire: and also that at the time of the death of the said Richard Northcote, he the said Charles Northcote, was seized in fee simple, of all the properties set forth in the devises above recited, and that the said lands and premises in the township of Etobicoke aforesaid, consist of farm property from which a very small income can be derived by way of rental, and also that an offer of purchase has been made of the said lands, at and for a large sum of money, to wit, \$64,800, and that the said lands in the city of Toronto are only of small annual value, and that the said Charles Northcote has no income for the support of himself and family other than the rentals to be derived from the said lands, and that he the said Charles Northcote is willing to settle the proceeds of the said lands so that the same shall descend to and become vested in his children, and that he is desirous that a title in fee simple should be made to the said lands, and has prayed for an Act for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Charles
Northcote
enabled to
settle lands.

1. The said last will and testament of Richard Northcote late of the city of Toronto, gentleman, bearing date the third day of May, 1881, is hereby declared to be effectual, and shall be deemed to confer upon the said Charles Northcote, the right to sell and convey by deed in fee simple absolute the said lands, and all the estate, right, title and interest of the said testator therein, from time to time, either by public auction or private sale and on such terms and credit, or otherwise, as

as.

he may deem proper, notwithstanding any restrictions on alienation contained in the said will. The purchaser or purchasers shall pay the purchase money into the Toronto General Trusts Company or the Trusts Corporation of Ontario, as the said Charles Northcote may direct, who shall or may invest the said money, from time to time, in any of the Government funds of the Dominion of Canada, or of the Province of Ontario, or on mortgage of freehold lands, or upon debentures of building societies and other companies authorized to lend money on the security of real estate in Ontario, and also at the request of the said Charles Northcote, to purchase sufficient real estate for the purpose of a house or homestead for the use of the said Charles Northcote and the annual income from such investments shall be received by or paid to the said Charles Northcote for and during the term of his natural life. And power is hereby given to the said Charles Northcote to dispose of the said purchase money or property by his last will and testament among the child, children or more remote issue of the said Charles Northcote or any of them, either exclusively or in such parts, shares and proportions, and for such estate or estates, interest or interests, with such limitations and remainders and in such manner or form as he, the said Charles Northcote may respectively direct, limit or appoint, and in default of such direction, limitation or appointment to divide the said purchase money and lands remaining unsold among the children of the said Charles Northcote, share and share alike. The children or more remote issue of any child or children of the said Charles Northcote, who may have predeceased him to take the share, his, her or their parent or ancestor would have taken if alive. Provided, however, that the said Charles Northcote shall not have power by his said will to deprive his wife him surviving of one third of the income from the said purchase money and properties to be held and enjoyed by her for and during the term of her natural life.

2. Nothing in this Act shall be construed to effect any liens (if any) now existing on or against the said lands. Liens on land not to be affected.

3. The said Trust Company into which the said moneys are to be paid shall have power and they are hereby authorized to pay the actual expenses of and incidental to this Act, and of and incidental to the aforesaid sale not exceeding in the whole \$1,000 out of the said purchase moneys. Expenses of Act.

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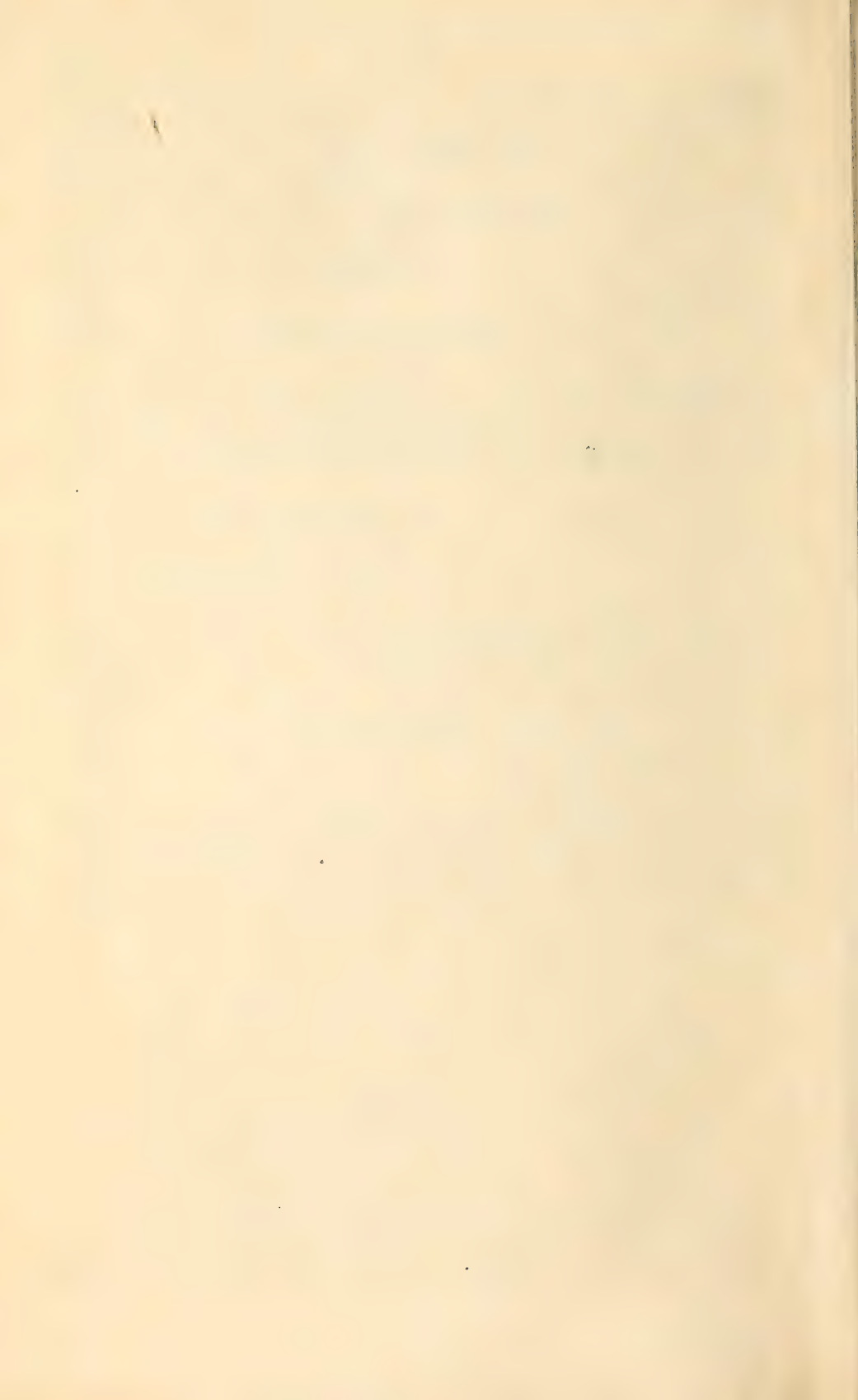
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